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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 UNITED STATES OF AMERICA :
4 and STATE OF MARYLAND, :
5 Plaintiffs :
6 vs. :
7 EDWARD AZRAEL, Individually :
8 and as Personal Representative:
9 for the Estate of AL LANDAY; : CIVIL ACTION
10 HARRIET AZRAEL, AT&T : No. 89-2898
11 TECHNOLOGIES, INC., GENERAL :
12 MOTORS CORPORATION, BALTIMORE :
13 GAS and ELECTRIC COMPANY, : Judge William N.
14 BROWNING-FERRIS, INC., and J. : Nickerson
15 WILLIAM PARKER and SONS, INC., :
16 Defendants :
17 * * * * *

18 (Caption Continued)

19 DEPOSITION OF LOUIS WILLIAM SAUER

20 VOLUME I

21 Reported by: Brenda R. Pearson

SALOMON REPORTING SERVICE, INC.
Baltimore, Maryland
(301) 539-6760

1 BROWNING-FERRIS, INC., :
2 Third-Party Plaintiff :
3 vs. :
4 MAYOR AND CITY COUNCIL OF :
5 BALTIMORE, KEWANEE INDUSTRIES, :
6 INC., BEATRICE COMPANIES, :
7 INC., and ALLIED-SIGNAL, INC., :
8 Third-Party Defendants:
9 -----
10
11 Deposition of LOUIS WILLIAM SAUER,
12 taken on Monday, October 14, 1991, at 9:30 a.m.,
13 at the offices of Piper & Marbury, 36 South
14 Charles Street, Baltimore, Maryland, before
15 Brenda R. Pearson, Notary Public.

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17 -----
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21

1 APPEARANCES:

2
3 Patricia Kabloch Casano, Esquire,4 On behalf of the U.S. Department
5 of Justice

6 Pamela D. Marks, Esquire,

7 On behalf of the State of Maryland

8 Andrew S. Goldman, Esquire,

9 On behalf of the Environmental
10 Protection Agency

11 Kim I. Montroll, Esquire,

12 Daniel A. Masur, Esquire,

13 On behalf of the City of Baltimore

14 Samuel I. Gutter, Esquire,

15 On behalf of Defendant AT&T

16 Ronald D. Byrd, Esquire,

17 Cynthia J. Morris, Esquire,

18 On behalf of Defendant BG&E

19 Mark E. Grummer, Esquire,

20 On behalf of Defendant

21 General Motors Corporation

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1 APPEARANCES: (Continued)

2
3 Thomas A. Ryan, Esquire,

4 William G. Beck, Esquire,

5 On behalf of Defendant

6 Browning-Ferris, Inc.

7 M. Lee Doane, Esquire,

8 On behalf of Defendant

9 Exxon

10 Mark Hausman, Esquire,

11 On behalf of Defendant

12 Kewanee Industries

13 John A. Gillan, Esquire,

14 On behalf of Defendant

15 Beatrice Company

16 Samuel A. Bleicher, Esquire,

17 On behalf of Defendant

18 Allied-Signal, Inc.

19 Robert Brager, Esquire,

20 On behalf of Defendant

21 Sweetheart Cup

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APPEARANCES: (Continued)

Thomas F. Karaba, Esquire,

On behalf of Defendant

O'Brien Corporation

Larry R. Liebesman, Esquire,

R. David Joseph, Esquire,

On behalf of Defendant

H. M. Holdings and

Crown Cork & Seal

Frederick Sullivan, Esquire,

On behalf of Defendant

J. William Parker & Son

Thomas L. Crowe, Esquire,

On behalf of Defendant

PORI International, Inc.

Elliott P. Laws, Esquire,

On behalf of Defendant

Canton Company of Baltimore

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APPEARANCES: (Continued)

Tom Ligan, Esquire,
On behalf of Defendant
Armco Steel, Inc.

Nancy J. Larson, Esquire,
On behalf of Defendant
Container Corporation

Charles R. Schaller, Esquire,
On behalf of Defendant
Edward Azrael

1

2

LOUIS WILLIAM SAUER,

3

being first duly sworn to tell the truth, the

4

whole truth, and nothing but the truth, testified

5

as follows:

6

EXAMINATION BY MS. CASANO:

7

Q. Good morning Mr. Sauer, would you

8

please state your name and address?

9

A. My name is Louis William Sauer. I live

10

at 2128 Summit Avenue.

11

Q. Is that in Baltimore?

12

A. Baltimore County, 21237, Rosedale,

13

Maryland.

14

Q. Mr. Sauer, if at any point during the

15

deposition you want to take a break, please just

16

let us know. If you don't understand a question

17

that has been asked, just say so and whoever has

18

asked the question will rephrase it or break it

19

into parts.

20

And if you would try to remember that

21

you need to answer the questions orally as

SALOMON REPORTING SERVICE, INC.

Baltimore, Maryland

(301) 539-6760

1 opposed to nodding your head so that the court
2 reporter will be able to record your answer.

3 Mr. Sauer, are you currently taking any
4 medications?

5 A. No, I don't. I take aspirins is all I
6 took.

7 Q. Mr. Sauer, when were you born?

8 A. November 5, 1931. I will be 60 years
9 old on November 5th.

10 Q. Was your father Fred Sauer, Sr.?

11 A. Yes.

12 Q. Did you ever work for your father?

13 A. Yes, I worked for my father.

14 Q. When did you work for your father?

15 A. That is going back. I worked for my
16 father approximately ten years.

17 Q. Do you recall approximately when that
18 would have been, the 1950's, the 1940's, the
19 1960's?

20 A. No, I don't recall. I left my father
21 and went to work for Glenn L. Martin's and I

1 don't recall when that was. That could have been
2 in the forties, '47 or '50, somewhere around
3 there. I don't know.

4 Q. When you worked for your father, was he
5 operating under a business name as opposed to his
6 own name?

7 A. No, I don't think he was. I tell you
8 the truth, I don't think he was.

9 Q. What type of business did he have when
10 you worked for him?

11 A. I guess the best you could say, it was
12 a small salvage business. He used to bring in
13 scrap and stuff and recycle it and resell it.

14 Q. Where was that business located?

15 A. That was located on North Point Road
16 where the new 95 bridge goes over now.

17 Q. Would that have been near the
18 intersection of North Point Road and Kane
19 Street?

20 A. No.

21 Q. Do you recall if that would have been

1 near Patterson High School?

2 A. No. Patterson High School wasn't out
3 there in them days. Where you are talking used
4 to be a cow pasture years ago.

5 Q. Probably your answer is going to be you
6 don't remember, but I will ask anyway. Do you
7 remember what the address of the business would
8 have been on North Point Road?

9 A. I don't know if that was 318 or 306.
10 It could have been one of the two. It was
11 possible, 306 or 318 or something like that years
12 ago.

13 Q. You said that your father's business
14 was a salvage business?

15 A. Salvage.

16 Q. In conjunction with that business, did
17 your father or employees of your father ever dump
18 or land fill anything at that property?

19 A. If I'm not mistaken, don't hold me to
20 it, I think them days, and it has been a good
21 while ago, that Western Electric used to haul

1 their trash in there by their own trucks and he
2 used to burn it and he used to salvage whatever
3 material out of it he used to be able to get out
4 of it. Now, I think that is the way it went, but
5 I'm not too sure.

6 Q. How did you know, Mr. Sauer, that it
7 was Western Electric trash that was being brought
8 in?

9 A. Because it was Western Electric wrote
10 on the side of the trucks.

11 Q. Do you happen to know from which
12 Western Electric facility those trucks came?

13 A. I think it was Broening Highway.

14 Q. About how often would you say the
15 Western Electric trucks came?

16 A. I would give you a guess if you want a
17 guess.

18 Q. That would be fine.

19 A. I would say four trucks a day,
20 approximately four a day. Now that is
21 guesswork.

1 Q. Do you remember the names of any of the
2 drivers? Did you know any of the drivers who
3 brought in Western Electric trucks?

4 A. No, I was too young.

5 Q. Do you recall whether anyone else
6 brought in trash?

7 A. Not that I could remember, I tell you.

8 Q. I believe you said that after you
9 stopped working for your father, you went to work
10 for Glenn Martin?

11 A. Glenn L. Martin building airplanes.

12 Q. And do you remember when you worked for
13 Glenn Martin?

14 A. No, I can't. I remember whenever Glenn
15 L. Martin built the first 25-passenger planes.
16 Now, whenever that was, I don't know but they
17 started building passenger planes in D building.
18 I don't know. I was 17 or 18 years old, I think
19 somewhere around in there. I didn't give a
20 daggone about nothing.

21 Q. Why did you leave your father's

1 business to go to work for Glenn Martin?

2 A. Because it was more money. I think I
3 worked for my father for room and board.

4 Q. Did you have a brother by the name of
5 Fred Sauer, Jr.?

6 A. Yes, I did.

7 Q. Did there come a time when you went to
8 work with your brother?

9 A. Yes, I did.

10 Q. And do you recall when that was?

11 A. I can't give a certificate date on it.

12 Q. Would it have been in the 1950's, do
13 you think?

14 A. I don't know where I was working before
15 I went to work with him. I can't remember where
16 I was working. Then the job ran out. Then he
17 said I will get a job for you. I will give you a
18 job driving a truck. So that is when I came to
19 work for him. But when I left him, it was more
20 money. I wasn't making no money. I had a wife
21 and child to support.

1 Q. I'm sorry, Mr. Sauer, could you speak
2 up a little bit, please?

3 A. When I left him I wasn't making no
4 money. So I quit my brother and I went for Robb
5 Tyler.

6 Q. Do you recall did you work for your
7 brother in the 1960's?

8 A. I don't know. I tell you I don't know
9 when it was. You possibly could check the Social
10 Security because I have a good Social Security
11 record of when I went to work for him and where I
12 worked. I paid Social Security on everything.

13 Q. Mr. Sauer, do you remember being
14 interviewed by a Mr. Paul Baker?

15 A. No. Where at?

16 Q. At your home. He was an investigator
17 employed by the Environmental Protection Agency?

18 A. No. Ain't nobody been to my home.
19 They talked to me on the telephone. I think it
20 was this guy that was from -- where was he from?
21 Environmental or something I think he was from.

1 He lived in -- wait a minute, where the heck did
2 he live. He gave me a hard time.

3 Q. This would have been in 1987 so, it is
4 several years ago?

5 A. '87, no.

6 Q. I'm sorry, 1988. This would have been
7 in 1988?

8 A. No one has been to my house. Their guy
9 lived in Timonium that talked to me. He ain't
10 never came to my house.

11 Q. Did you talk to him on the phone?

12 A. I talked to him on the telephone.

13 Q. Do you remember telling him that you
14 went to work for your brother in 1961 and that
15 you worked for your brother until about 1965?

16 A. He told me when I worked there. That
17 is when me and him got into it.

18 Q. Do you recall approximately how long
19 you worked for your brother?

20 A. I went to work for Robb Tyler in '68.
21 '68 I think I went to work for Robb Tyler. I

1 was out of the union for two years. I got in the
2 union in '70. I stayed with Robb Tyler until
3 '81. I went to work for Arundel in 1981.
4 Approximately give or take, I worked for my
5 brother, it was in the sixties, about eight years
6 probably, give or take eight years.

7 Q. And what type of business did your
8 brother have?

9 A. He was running a landfill and leasing
10 trucks too.

11 Q. And did your brother operate under a
12 business name?

13 A. No, I don't think he did. He didn't
14 have no names on the side of the trucks.

15 Q. Are you familiar with the name North
16 Point Trash Removal?

17 A. Yes.

18 Q. How are you familiar with that?

19 A. That was the one when he formed that
20 name when he was in the trash business. He was
21 in the trash business. He formed that name the

1 North Point Trash Removal when he was in the
2 trash business.

3 Q. And would that have been a name that he
4 used while you were working with him?

5 A. No. No, because he used to give me a
6 personal check when he paid you at the end of the
7 week.

8 Q. Do you know whether your brother held a
9 permit for the landfill that he operated?

10 A. I do not know.

11 Q. And where was the landfill located?

12 A. It was located on North Point Road and
13 Kane Street.

14 Q. Would the address have been the same as
15 the address for the business operated by your
16 father?

17 A. I imagine he would have used that same
18 address, yes, because he had rented the house
19 that my father lived in when the State had bought
20 it out. Now, he did rent that house from the
21 State of Maryland and, I don't know. He didn't

1 use it for an office, no.

2 I don't know where he was unless he had
3 his address -- I think his business address was
4 Fait Avenue where he lived, I think now but I
5 don't know for sure.

6 Q. What kind of work did you do when you
7 were working for your brother?

8 A. I drove a truck, a roll-off container
9 truck.

10 Q. And you basically hauled trash and
11 waste?

12 A. Trash for Robb Tyler.

13 Q. When you say for Robb Tyler, what do
14 you mean by that?

15 A. In other words, he had bought this
16 special truck that picked up these big
17 containers. He bought it himself.

18 Q. Robb Tyler?

19 A. No, my brother bought this big truck.
20 Robb Tyler had a lot of them but he had problems
21 with help and this and that and he was overloaded

1 with work. So my brother bought this big truck
2 and I drove this big truck that picked up these
3 big containers. They were approximately 30 feet
4 long, eight feet wide.

5 Some were six feet high. Some were two
6 feet high. Some were eight feet high, big
7 containers. You took them into these factories.
8 You set them down. They loaded them, you went
9 and picked it up, took it to the dump and dumped
10 it and brought it back. That is what I done.

11 Q. So is it fair to say that throughout
12 the time that you were working for your brother,
13 you were actually hauling waste from customers of
14 Robb Tyler?

15 A. Yes. In other words, he didn't own the
16 contract. My brother didn't have the contract.
17 Robb Tyler had the contract. He subleased the
18 truck and the driver to do his work.

19 Q. Did you ever haul waste for companies
20 who were your brother's customers?

21 A. He didn't have no customers like that.

1 I think he had a couple. I don't know if it was
2 a couple, but I didn't haul them.

3 Q. Do you recall if Western Electric was a
4 customer of your brother's?

5 A. Yes.

6 Q. Do you recall whether General Motors
7 Corporation was a customer of your brothers?

8 A. I don't think so. I don't know.

9 Q. Are you familiar with a Chevrolet plant
10 on Broening Highway?

11 A. Yes, I am. I hauled out of there for
12 Robb Tyler.

13 Q. Was that plant a Robb Tyler customer?

14 A. Yes, that was Robb Tyler's contract.

15 Q. Was that plant also a customer of your
16 brother's?

17 A. No. You couldn't go in that General
18 Motors plant unless you was union. You had to be
19 a union driver to go into General Motors to haul
20 out of there, and when I went with Robb Tyler, I
21 went into the union, then I could go in there and

1 haul. But as long as I was with my brother, I
2 couldn't go in there.

3 Q. I take it, then, that you never went to
4 General Motors when you were working for your
5 brother?

6 A. No, Robb Tyler's trucks hauled that.

7 Q. Are you familiar with the type of
8 records that your brother kept for his business?

9 A. No.

10 Q. Do you know whether any records that he
11 kept are still in existence?

12 A. I will tell you the truth what happened
13 to him. Now, he had a son that was in Oklahoma
14 and he lived on Fait Avenue, and this is the best
15 of my recollection, of what I can tell you what
16 happened. He married a woman with three or four
17 kids. He moved her into the Fait Avenue house
18 where he lived and he moved out and moved down
19 the shore.

20 The kids got up there and got upstairs
21 and was playing with matches and set the whole

1 upstairs of that house on fire and burned up all
2 his records and whatever he had in there, the
3 whole antique pictures and all of his stuff and
4 everything, burned the whole roofer out of the
5 house. The kids almost got burned up.

6 So that is probably what happened to
7 his records. I don't know. But all of his stuff
8 used to be kept at his home.

9 Q. I take it then that you personally do
10 not have any knowledge?

11 A. I wouldn't know nothing about that,
12 no.

13 Q. And you personally don't have any
14 records relating to the dump?

15 A. No.

16 Q. Did you refer to the landfill by a
17 particular name. Did you call it Sauer's Dump,
18 for example, or Sauer's Landfill?

19 A. We used to call it going to the dump,
20 the North Point Dump.

21 Q. Now did you --

1 A. That is what it would be, when you
2 picked up you would haul this into Sauer's
3 Landfill today.

4 Q. Did you do any work for your brother
5 aside from driving a truck?

6 A. Yes. I used to run the bulldozer, too,
7 sometimes when I pushed demolition over.

8 Q. Was there anyone else employed by your
9 brother who also operated a bulldozer at the
10 dump?

11 A. Yes, my younger brother did, but he got
12 drowned.

13 Q. Would that have been Edwin?

14 A. Edwin, he run the dozer.

15 Q. Was he a full-time dozer operator for
16 your brother?

17 A. Yes.

18 Q. Was there anybody else who was a dozer
19 operator?

20 A. Robb Tyler had his own dozer over
21 there. Now I can't recall who was operating it,

1 the driver of the dozer, but he had his own
2 equipment there that used to push over.

3 Q. And did Robb Tyler have his own dozer
4 at Sauer's Landfill throughout the time you were
5 working for your brother?

6 A. Yes.

7 Q. Was it always the same driver or
8 operator I should say?

9 A. I don't know. To tell you the truth, I
10 don't know. Give or take, it could have been and
11 it could have been not. The man could have got
12 sick. They could have sent another operator, I
13 don't know.

14 Q. I assume that all the bulldozer
15 operators were men, is that correct?

16 A. Yes.

17 Q. Do you remember any distinguishing
18 features of the operators who operated the
19 bulldozers for Rob Tyler? Were they black men or
20 white men, for example?

21 A. White men. Well, we had black drivers

1 and white drivers, but I think -- I don't know.
2 He was white. Got so dirty on that daggone
3 thing, you don't know what he was.

4 I got off of it. I used to run dozers
5 for Robb Tyler.

6 Q. About how often would you say you
7 operated the bulldozers while you were working
8 for your brother?

9 A. When my younger brother of mine decided
10 to go get drunk and wouldn't show up for two or
11 three days, then I had to go run the bulldozer.
12 But give or take, maybe once a month if it was
13 that.

14 Q. During the time when you were working
15 for your brother as opposed to being an employee
16 of Robb Tyler, could you give us a general
17 description of what the landfill looked like at
18 that point?

19 Scratch that. Let me do this more
20 specifically. During the time when you were
21 working for your brother as opposed to being an

1 employee of Robb Tyler, how many entrances were
2 there to the dump?

3 A. Just one entrance.

4 Q. And where was that entrance located?

5 A. I would come in off of Kane Street.

6 Q. Were there any gates across the
7 entrance?

8 A. Yes, it used to have a cable across
9 it. Sometimes it was up and sometimes it
10 wasn't.

11 Q. Was that cable kept across the entrance
12 when the dump was operating?

13 A. No, when it was closed.

14 Q. Do you remember what days of the week
15 the dump was open?

16 A. Six days a week.

17 Q. Do you remember what the operating
18 hours were?

19 A. Well, the trashman starts at 3 o'clock
20 in the morning or 2 o'clock in the morning and by
21 about four o'clock he is loaded. Now, you take a

1 man that picks up trash around in here like I
2 used to pick up, we start at 1 o'clock in the
3 morning and by 3 o'clock you are loaded and you
4 have got to have a place to dump to start your
5 next load.

6 So therefore, a landfill usually in
7 them days, now you are going back 30 years ago or
8 20 years ago, had no closing times. They didn't
9 have no laws like you have got nowadays. You
10 open up 7:30 in the morning and four o'clock you
11 are closed. Them days you are open 24 hours a
12 day.

13 Q. And was there always somebody at the
14 dump?

15 A. No, you just backed in, dumped and
16 went. You would tell the scale man or whoever it
17 was there that you brought a load in. He used to
18 keep some sort of records of loads, how many
19 loads came in. You would tell him that you were
20 in there two or three o'clock in the morning.

21 Well, the scale man would know when you

1 were hauling, not at this landfill. I mean at
2 Robb Tyler's landfills or wherever we hauled like
3 county landfills and stuff like that. When you
4 went in there you dumped and when you came back
5 on your next load you would tell the scale man so
6 he would make up a ticket.

7 Q. Were there scales at Sauer's Landfill?

8 A. No.

9 Q. Was any record kept of who brought in
10 loads during at the times when there wasn't
11 anyone at the dump?

12 A. I don't know that. To tell you the
13 truth, I don't know. I don't think it was
14 because as best I can say is Robb Tyler and that
15 brother of mine was together on whatever they was
16 into and they was just running whatever they
17 wanted to wherever they wanted to run.

18 Q. There was some sort of arrangement
19 between Robb Tyler and your brother?

20 A. There was some sort of arrangement I
21 had got from my brother of whatever they were

1 into.

2 Q. Do you know whether -- could you be a
3 little bit more specific about what the
4 arrangement was? Was it an arrangement, for
5 example to use each other's landfills?

6 A. That is what I was told. I don't know
7 how to tell you. I think one swapped trash with
8 the other one. There was some sort of a deal
9 there. You talk about them days was a man of
10 word. They didn't use no paper work. It was man
11 of word.

12 You said let me turn around and dump on
13 your dump for two months and I could dump on your
14 dump for two months with no money transacted.
15 That was the way they worked. You didn't have to
16 worry about a ticket. You just dumped and went.

17 Q. While you were working for your
18 brother, Robb Tyler drivers used Sauer's Landfill
19 and you used Tyler's landfills?

20 A. Yes.

21 Q. What determined which landfill you used

1 at any particular time?

2 A. The distance. The distance of wherever
3 you was at. In other words, if I'm hauling on
4 this side of town, if I pick up a container out
5 here at this street here, then my closest
6 landfill would be the county landfill was on
7 Patapsco Avenue.

8 If that was closed the next closest one
9 was at Hawkins Point at Quarantine Road, the
10 Quarantine Landfill, you would go there. And
11 then Robb Tyler had another big landfill on
12 Patapsco Avenue called Patapsco Flats. Wherever
13 the closest landfill was you went to that and got
14 it dumped so you could go and get another one.

15 Q. So I take it as far as you know, Robb
16 Tyler did not charge --

17 A. They specified on the ticket where to
18 take it.

19 Q. Robb Tyler specified?

20 A. Robb Tyler would tell you the closest
21 place.

1 Q. So far as you know Robb Tyler did not
2 charge your brother anything for --

3 A. No, they didn't transact no money. You
4 didn't transact them days.

5 Q. Were you ever told not to take certain
6 kinds of waste to Sauer's landfill?

7 A. Well, the stuff that I hauled, I would
8 go anywhere with it. I don't know what other
9 people hauled, but whatever I hauled, I could
10 name the companies that I hauled for.

11 Q. Okay, and you will be asked that?

12 A. Well, you can ask me. When I worked
13 for Robb Tyler, although I cannot prove it and I
14 will tell you all right now, whatever I'm telling
15 you, I cannot prove. I have no proof, and as far
16 as I was told by Robb Tyler, by BFI when I was at
17 their office, I said I cannot prove a word I'm
18 telling you, and I told the lawyers over there.
19 I said dig your records up. Your records will
20 tell you what I have hauled.

21 They come up and tell me, I don't know

1 nothing about no records. What do you mean, a
2 big company like this and you don't keep no
3 records.

4 Q. Well, at least some of the records were
5 destroyed apparently in the fire, the records
6 that would be involved for the period that we are
7 looking at. But in any event --

8 A. Just as I say, I hauled for National
9 Gypsum, the Sheetrock; for Rubberoid Company,
10 National Brewery, Schaefer's or Hamm's Brewery
11 years ago and J. S. Young, but I cannot prove it
12 because I don't have no way of proving it. I got
13 a ticket signed and turned my tickets in. That
14 was it.

15 Q. That is fine. We are not asking you to
16 prove anything, Mr. Sauer. We are just asking
17 you for what you remember. Don't worry about
18 proving it. The only point of this inquiry is to
19 get the best of your recollection. We are sort
20 of jumping around here, so bear with me.

21 A. Okay.

1 Q. Getting back for a moment to how you
2 decided which landfill to use, you indicated that
3 the waste you hauled, you could take anywhere,
4 but you didn't know for sure about other
5 drivers. Do you recall ever hearing of any
6 instance or situation where someone was told
7 don't take this kind of waste to a particular
8 landfill?

9 A. No.

10 Q. Do you recall ever hearing of an
11 instance or a situation where someone was told to
12 take a specific type of waste to a particular
13 landfill?

14 A. No. Whatever I picked up, I went to
15 the dump with it.

16 Q. Back throughout the time that you were
17 working for your brother as well as the time when
18 you were working as an employee of Robb Tyler,
19 were you aware of any distinction being made by
20 any customer between wastes that were considered
21 to be hazardous or dangerous and other types of

1 waste?

2 A. In them days you didn't know what was
3 hazardous or what wasn't hazardous. We didn't
4 have all this stuff you have got nowadays, gas
5 masks and all this for what we hauled years ago.
6 It didn't kill me, and I hauled about everything
7 you can haul.

8 And as far as this discussion, I don't
9 know. I was never told what to haul and where to
10 go and the rest of that and I hauled a lot of
11 stuff for Robb Tyler.

12 Q. I'm going back now to where I was
13 asking you questions about the landfill.

14 During the time that you were working
15 for your brother, were there any fences around
16 any part of the landfill?

17 A. No.

18 Q. Were there any signs indicating areas
19 where things should not be dumped?

20 A. No.

21 Q. Were there any buildings that were

1 located on the landfill?

2 A. No, no building. What do you mean a
3 building.

4 Q. Anything?

5 A. Well, a little repair shop there where
6 we used to work on the truck and fix tires.

7 Q. On a typical delivery of a load to the
8 landfill, what would you do?

9 A. Straight on in, back, dump, get going
10 again.

11 Q. Were there roads that ran through the
12 landfill?

13 A. Yes, there were roads that went in
14 through there.

15 Q. Was there one road or more than one
16 road?

17 A. One in and one out.

18 Q. Did you always stay on the road when
19 you were dumping at the landfill?

20 A. You couldn't get off the road, you
21 would turn the truck over.

1 Q. Were you actually on the road when you
2 dumped your load?

3 A. No, you would come in on a hard road,
4 you would pull up and you would back up where the
5 dozer was, dump your load, pull out on the side,
6 close your doors and go on about your next load,
7 to go get your next load.

8 Q. Did you always dump your load by where
9 the dozer was?

10 A. Sure, so he could push it over.

11 Q. At any point when you were working
12 either for your brother or for Robb Tyler, Inc.,
13 did you ever see anyone besides an employee of
14 your brother or Robb Tyler doing any kind of
15 earth moving at the landfill?

16 A. What do you mean earth moving?

17 Q. Using a bulldozer?

18 A. Yes.

19 Q. Who would that have been?

20 A. That would have been the operator.

21 Q. I'm sorry, let me break the question

1 down. When you were working for your brother,
2 did you ever see anyone besides your brother,
3 Fred Sauer, Jr., or your brother Edwin or
4 yourself or a driver of Robb Tyler or an operator
5 employed by Robb Tyler operating any kind of
6 earth-moving equipment at the landfill?

7 A. Other than those people, is that what
8 you are saying?

9 Q. Yes, other than those people?

10 A. Other than the people that were
11 supposed to be on that landfill?

12 Q. Right.

13 A. No.

14 Q. Now during the time that you were
15 employed by Robb Tyler, did you ever see anyone
16 other than Fred Sauer, Jr. or an employee of your
17 brother --

18 A. Let me hold up here now. When they put
19 that new railroad spur in back in there, the
20 Pennsylvania railroad, if I'm not mistaken, they
21 had some dozers back in there clearing the woods,

1 but that wouldn't have nothing to do with the
2 landfill, no.

3 Q. Aside from that activity, building the
4 railroad spur, did you ever see anybody other
5 than someone who was associated with the landfill
6 operating earth-moving equipment at the
7 landfill?

8 A. While the landfill was there?

9 Q. Yes.

10 A. No, unless he rented a tractor or
11 something like that. If one would break down or
12 something, he would rent one maybe. Then you
13 would have someone else run the dozer.

14 Q. But they would have been operating in
15 conjunction with the landfilling?

16 A. Yes.

17 Q. After the landfill closed, did you see
18 anyone operating earth-moving activity on that
19 property?

20 A. I was gone. I went to Robb Tyler.

21 Q. Do you remember when the landfill

1 closed?

2 A. It had to be somewhere around '68, I
3 guess, because I went to work with Robb Tyler
4 around '68 I think, '68, '70. Around, I would
5 say '68, somewhere around there. I don't know
6 for sure. I'm guessing. I don't know.

7 Q. Did your brother continue to operate
8 the landfill after you went to work for Robb
9 Tyler?

10 A. No, he was leasing trucks to Robb Tyler
11 then. When they closed the landfill up, it was
12 over with. I was already with Robb Tyler running
13 the bulldozer over on Quarantine Landfill. Then
14 they opened Norris Landfill up. I got off the
15 dozer again because it was killing me with the
16 dirt and the dust and everything and I went back
17 driving the truck again. And we were hauling
18 into Norris Landfill and my brother was still
19 hauling with his trucks but he was hauling into
20 Norris Landfill.

21 Q. I think I'm a little confused and I

1 want to make sure I understand you correctly.

2 During the time you were working for
3 your brother, you were hauling waste to Sauer's
4 Landfill, is that correct?

5 A. To all three landfills. Not one,
6 three. I was going to Quarantine, Reliable and
7 Fritz's.

8 Q. Then at some point you went to work as
9 an employee of Robb Tyler?

10 A. I went for him running the dozer.

11 Q. After you went to work for Robb Tyler
12 as an employee, did you ever haul waste to
13 Sauer's Landfill?

14 A. No. I was a dozer operator then. I
15 got off the trucks and went on the dozer.

16 Q. Do you recall when the Norris Farms
17 Landfill opened?

18 A. No I think it opened up around '69 or
19 '70, maybe somewhere around that time. I don't
20 know. If you called Baltimore County, they could
21 tell you when it was opened.

1 Q. You were familiar with a landfill that
2 we know as the Rosedale landfill?

3 A. Rosedale?

4 Q. It was located at 68 Pulaski Highway?

5 A. That is Robb Tyler's landfill.

6 Q. Yes, what did you call that landfill?

7 A. To tell you the truth, I don't know if
8 they had a name for that landfill or not. We
9 used to haul in over there. There were radio
10 towers over there. I worked the dozer over
11 there.

12 Q. That was when you were employed by Robb
13 Tyler?

14 A. That was back at Quad Avenue.

15 Q. Quad Avenue is the name that you would
16 use to refer to the landfill that was --

17 A. To tell you the truth, as long as I
18 hauled on that landfill, I don't know what the
19 name of it was. That was owned by Robb Tyler.
20 There were two landfills in there over at Robb
21 Tyler's, at the office. They had one out front

1 by the radio towers and they had another one that
2 we came in off Quad Avenue back in there, off
3 North Point Road.

4 We went back in through there. I don't
5 even think they gave it a name, to tell you the
6 truth.

7 Q. Okay. Well, you indicated that you
8 used three landfills, Fritz's Landfill, the
9 Reliable Landfill and the Quarantine Landfill?

10 A. I forgot about the one over at the
11 office, I will tell you that. I forgot about
12 that one.

13 Q. Did you haul waste into that landfill?

14 A. Yes, I hauled trash in there.

15 Q. Do you recall a period of time when
16 that landfill closed and Robb Tyler did not have
17 any landfills open?

18 A. That is when he went over with Fritz
19 when that landfill closed. Fritz is my brother.
20 That is when he moved over there with Fritz. Now
21 whatever the conditions were, I don't know,

1 whatever the deals were or whatever they had
2 cooking in my language or whatever kind of deals
3 they made, I don't know. But that is when he
4 closed up.

5 We were all hauling in over there on
6 Quad Avenue, I think it was Quad Avenue
7 landfill. And they closed that. Then we all
8 hauled over to Fritz's. And then when they
9 closed Fritz's up and said that was it, no more
10 in there. Then they all went to Norris'
11 Landfill.

12 Q. Do you recall approximately how long a
13 period of time that would have been, the time
14 between Quad Avenue closing and Norris Farms
15 opening?

16 A. I don't know. I will tell you it could
17 have been a year. It could have been six
18 months. It could have been a year. It could
19 have been two years. I don't know.

20 Q. Let me clarify something then. As I
21 understand your testimony, your recollection is

1 that Robb Tyler drivers used Sauer's Landfill
2 during the period between the closure of the Quad
3 Avenue --

4 A. Well, they had nowhere to go on this
5 side of town. Everything was closed.

6 Q. And did Robb Tyler drivers use Fritz's
7 Landfill at other times as well?

8 A. Yes. Now wait a minute now. Let's get
9 this clarified right here. When he was opened,
10 we used it. But when he closed up, we all went
11 to Norris' Landfill. They reopened the new
12 landfill. So we couldn't go to Fritz's on
13 account it was closed, so we all went to Norris'
14 Landfill was the way it went.

15 Q. What I want to clear up, though, is
16 Tyler's drivers used Fritz's Landfill at times,
17 so long as Fritz's Landfill was open, was it used
18 by Tyler's drivers?

19 A. Yes.

20 Q. You indicated that while you were
21 working for Fritz you hauled only from Tyler's

1 customers?

2 A. Right.

3 Q. Do you remember who told you which
4 customers to go to?

5 A. I will tell you and set you straight.
6 At the end of the evening, I would go over to
7 Robb Tyler's office. I would pick up my paper-
8 work for what I'm supposed to do tomorrow. In
9 other words, say four o'clock this evening, I
10 would turn in my paper work for what I have done
11 all day today.

12 I would turn it in to the dispatcher.
13 The dispatcher, in turn, would go over to the
14 shelf. He would pull out my paperwork for
15 tomorrow. I would take it, I would go home. The
16 next morning four o'clock I would be in my truck
17 ready to go. I knew what I had to do. It was
18 all on separate tickets. Each company I had to
19 pick up for. It could be anybody, where it was
20 located.

21 Q. Did you have a regular route of

1 customers or did it change?

2 A. No, it swung. Sometimes you went to
3 the same one and sometimes you didn't. It
4 depends on how things worked.

5 Q. You identified, I think, four companies
6 before for whom you hauled.

7 A. Yes. I mostly hauled them steady
8 because they were pretty close, you know.

9 Q. You were considered the regular driver
10 for those?

11 A. Yes, the regular driver.

12 Q. Now, did the tickets that you received
13 from the Robb Tyler office indicate where you
14 should take the waste?

15 A. No.

16 Q. Did any particular person tell you
17 where to take it?

18 A. Lou would tell you to take it to the
19 closest place you could take it to.

20 Q. That was Lou?

21 A. Lou was the dispatcher, but I think

1 he's passed away now.

2 Q. Was he the only dispatcher with whom
3 you worked?

4 A. No. They had, I don't know how many
5 dispatchers they had over there, to tell you the
6 truth.

7 Q. Do you remember the names of any other
8 drivers employed by your brother who also hauled
9 waste for your brother?

10 A. Well, we had Mike Cefaloni and John
11 Miller. There were three of us.

12 Q. Do you remember or do you know who Mr.
13 Cefaloni's customers would have been?

14 A. No, I don't. He used to drive a little
15 Dumpster truck, a little small container truck.
16 I drove a big truck, heavy duty one.

17 Q. I take it then that you would not know
18 whether Mr. Cefaloni hauled waste from Western
19 Electric?

20 MR. GUTTER: Objection, leading.

21 A. I could not tell you where he hauled or

1 where he went or where he picked up his stops or
2 what. But he done the same as I done. He went
3 to Robb Tyler here, picked up his tickets for the
4 next day's work and he turned his tickets in.

5 A. Wherever he hauled, I don't know.

6 Q. Do you know whether Mike Cefaloni ever
7 hauled waste from companies who were customers of
8 Fritz as opposed to Robb Tyler customers?

9 A. No.

10 Q. Do you know who Mr. Miller's customers
11 were?

12 A. If I ain't mistaken, John used to haul
13 for Crosse & Blackwell with a truck.

14 Q. Did he have any other customers?

15 A. Not that I know of.

16 Q. Do you know whether Mr. Miller hauled
17 waste from any company that was Fritz's customer
18 as opposed to a Robb Tyler customer?

19 A. No. What do you mean by waste? What
20 kind of waste are you talking about?

21 Q. I'm just using waste to describe

1 anything in the way of trash, waste, something
2 that was being gotten rid of?

3 A. You mean ordinary, regular trash?

4 Q. Anything at all?

5 A. Right.

6 Q. I want to make sure you understand that
7 I'm using waste to cover anything that you
8 hauled. I'm not distinguishing between say
9 household trash versus industrial trash. Waste
10 includes everything when I use that term?

11 A. Now when you talk about waste. You can
12 walk for the rest of your life if you ain't got
13 the right license. That is why I'm saying waste
14 is a big thing nowadays. It comes under this
15 knew CDL license and if you are not licensed for
16 it, you better not haul it.

17 Q. Whenever I ask you a question about
18 waste, I mean waste to include everything,
19 anything that was being thrown away by a
20 customer?

21 A. Yes.

1 Q. You said that Mr. Cefaloni drove a
2 small Dumpster. Could you describe that,
3 please?

4 A. It was a truck that used to pick up a
5 eight-by-eight container, a small container with
6 two chains on the side. You hook the chain on it
7 and it would pick it up and set it on the truck.

8 And you take it to the dump and the
9 bottom would fall out of it and you would dump it
10 and take it back and set it back down and unhook
11 your chains and go about your business. Everyone
12 has them. All the trash companies have them. I
13 think they are called a Dumpster, a Dumpster
14 truck.

15 Q. Would those containers typically have
16 been owned by the customer?

17 A. By Robb Tyler.

18 Q. Would they have had some sort of a
19 label or other marking on them?

20 A. They had his name on the side of them,
21 Robb Tyler on the side of them.

1 Q. Did Fritz own any containers?

2 A. No, he didn't own no containers. You
3 couldn't afford it in them days. I think he
4 bought the rig somewhere. I don't know where he
5 went and got a rig. I think he had two of them
6 little trucks. If one would break down he always
7 had a backup.

8 He bought them used somewhere and fixed
9 them up and leased them to Robb Tyler but usually
10 with Robb Tyler over there, when he had other
11 leases, Robb Tyler had what you called owner
12 operators. He would buy you a truck and he would
13 put his rig on it and you pull his stops and he
14 would take out a commission to pay for the truck
15 and you got a percentage of whatever the stop
16 paid is the way that worked.

17 Q. Okay.

18 A. And he owned everything, all the
19 equipment and everything. He owned the rig that
20 went on the truck. All you would own was the
21 truck. And he would give you all the work you

1 could haul on a percentage. That is the way he
2 worked years ago. That was how you worked.

3 Q. Okay.

4 A. But he owned the equipment.

5 Q. The type of truck that you drove, was
6 that known as a 30-yard container?

7 A. Yes, 30-yard, ten-wheeler dinosaur.

8 Q. Do you remember what type of truck Mr.
9 Miller drove?

10 A. He drove a barrel truck. They done
11 away with them because you had to load them from
12 the front. It was a barrel truck, a round
13 barrel, and you would throw the trash in the
14 front and this thing packed it back in there. It
15 was only made for light trash, you know. You
16 couldn't put nothing heavy in it because it was
17 so hard to load.

18 Q. Can you tell us, Mr. Sauer, who, aside
19 from yourself, your brothers, Mr. Cefaloni and
20 Mr. Miller, worked at the landfill?

21 MR. KARABA: What landfill are we

1 talking about?

2 Q. I'm sorry, worked at Sauer's Landfill
3 or Fritz's Landfill?

4 A. The only ones I know that were there
5 were my brother Fritz, John, Mike Cefaloni,
6 myself and the operators, whatever operators Robb
7 Tyler would send over on his dozer.

8 Q. Did any of your other brothers and
9 sisters or any other family work there?

10 A. My sister was there in the trailer.

11 Q. Which sister was that?

12 A. Anita.

13 Q. Is her name Anita Lippha?

14 A. Yes.

15 Q. And what was her job?

16 A. She sat behind the desk there and
17 answered the telephone is about all I knew her to
18 do.

19 Q. Did any other family members worked at
20 Fritz's Landfill?

21 A. No.

1 Q. Did you know the names of any of the
2 Robb Tyler employees who hauled waste to Fritz's
3 Landfill?

4 A. I tell you the truth, I don't know them
5 by their names, some nicknames and stuff we
6 called them.

7 Q. Whatever you can remember would be
8 helpful?

9 A. I don't know if Boswell hauled them or
10 not. I don't know to tell you the truth. There
11 were so many Robb Tyler trucks running in and out
12 of there. I wouldn't know who was who or who
13 wasn't hauling there or who to say was there.
14 You had the whole fleet going in there.

15 That man owned, I think about 80 or 90
16 trucks I imagine. I don't know. He had a yard
17 full of them.

18 I couldn't tell you what driver was
19 hauling and what wasn't. Because when you are in
20 and out, you dump your load and you are going.
21 You may be on the road for another hour, hour and

1 a half, you don't know what is going on. You are
2 not there to see who is in and who is out.

3 Q. Did you ever spend much time at the
4 landfill when you weren't operating the
5 bulldozer?

6 A. No.

7 Q. When you were operating the bulldozer,
8 were you able to observe who was coming in and
9 out of the landfill?

10 A. No. You are running the heavy pieces
11 of your machinery, watching what you are doing,
12 making sure you don't run into someone. You
13 can't keep track of trucks. As soon as they dump
14 their loads, they are gone. They dump and go.

15 Q. I think you indicated before that when
16 you went to Tyler's office in the evening, you
17 would pick up your paperwork and you specifically
18 mentions tickets. What information would those
19 tickets have contained?

20 A. They contained the customer you were
21 supposed to pick up and the location.

1 Q. Did you get any other paperwork in
2 addition to the ticket?

3 A. No. They used to come out of a
4 machine. You fold them out just like an
5 accordion. You figure out what was the closest
6 one the fastest one and that. They were all put
7 together and you tear them off. You go to the
8 customer and pick up the container.

9 You tear his ticket off and hand it to
10 him, he would sign it. Give him his copy and
11 away you would go. Then you would take them back
12 that night. I guess the girls billed them out
13 the next day.

14 Q. Generally speaking, Mr. Sauer, when you
15 were hauling from Robb Tyler customers, was Robb
16 Tyler the only waste-hauling firm that serviced
17 those customers?

18 A. Now, I tell you to the best of my
19 knowledge, I ain't going to tell you yes and I
20 ain't going to tell you no, because I ain't going
21 to say because I don't know.

1 They might have had some sort of other
2 service or they might have had someone else
3 helping him or split the contract or something
4 like that. You don't know and I don't know.

5 But usually if you went in there, all
6 you would see was a Robb Tyler container that was
7 painted green. You look for a green container
8 and if it was loaded with trash, that was the one
9 you picked up, so I don't know.

10 Q. I think you testified earlier that you
11 personally did not haul waste from a Western
12 Electric facility, is that correct?

13 A. Oh, yes, I did haul waste from there.

14 Q. Oh, you did. Where was that facility
15 located?

16 A. Broening Highway.

17 Q. And was that when you were working for
18 your brother?

19 A. For my brother and for Robb Tyler.

20 Q. And what type of container did you pick
21 up at Western Electric?

1 A. They had the open tub thirties. We
2 used to set them down. Western Electric would
3 load them. You go in, take the empty with you.
4 Set the empty down, pick the loaded one up, go
5 down and get the guard, he would sign the ticket,
6 give him his copy and away you go.

7 Q. And when you hauled waste from Western
8 Electric, where did you take them?

9 A. Either landfill, either one. The
10 closest one was Fritz's. You could come over
11 straight up Broening Highway, right up Dundalk
12 Avenue. Kane Street wasn't there in those days.
13 Around Eastern Avenue, around and come in North
14 Point Road.

15 Q. Do you recall approximately when you
16 would have picked up waste from Western Electric
17 in terms of the years when you picked up waste
18 there?

19 A. What year?

20 Q. Right.

21 A. I don't know. I can't give you a year

1 on that. I don't know what year. You got any
2 suggestions, tell me.

3 Q. Would it have been during the 1960's?

4 A. I don't know.

5 Q. Just whenever you were working for your
6 brother and Robb Tyler?

7 A. When I was working for my brother and
8 Robb Tyler.

9 Q. How frequently did you haul waste from
10 Western Electric?

11 A. Whenever they give me the tickets on
12 it. I would get, sometimes, three or four
13 tickets on it. Maybe I would haul three or four
14 tickets out of Western Electric and then some
15 weeks I wouldn't get it, some weeks I did and
16 some I didn't. It depends on how the tickets
17 came out.

18 Q. Meaning that some other driver might
19 have picked them up?

20 A. Oh, yes. They had to be picked up.
21 You never knew what driver was going to get

1 them. You never knew where you were going unless
2 you had a route, sort of a route like I had. The
3 only reason that I had the route like I hauled
4 for steady customers that I had was I had a
5 heavy-duty truck and you would haul National
6 Gypsum stuff, that is wet Sheetrock that used to
7 come off and go into the container.

8 Them days you would haul 30 tons to a
9 container, overload it. I mean it would be some
10 weight in that can. And a lot of times Robb
11 Tyler would have lighter trucks. They couldn't
12 pick the container off the ground. So he would
13 send me in with this heavy truck I had to pick it
14 up.

15 Then in the future years, Robb Tyler
16 bought heavier trucks because the containers were
17 getting heavier and the trucks he had wouldn't
18 carry them. He had six-wheel trucks. I had a
19 10-wheeler. My truck would carry, I think it was
20 legally 20-some tons but I would go 30 tons. I
21 have carried 50 tons on that truck.

1 Q. Do you remember the names of any of the
2 persons with whom you would have spoken at
3 Western Electric?

4 A. No.

5 Q. Even nicknames would be helpful.

6 A. I think the guy was named Wes. He used
7 to load the containers but I think he is dead.

8 Q. Wes, W-E-S?

9 A. Yes. I don't know his last name.
10 There used to be a guy by the name of Brownie
11 too. He used to load the containers. He would
12 tell you what one to pull but I imagine they are
13 dead.

14 Q. And that was Wes, W-E-S?

15 A. Yes.

16 Q. Did you ever look inside the container
17 to see what they contained?

18 A. No, pick it up and go.

19 Q. Did you ever notice whether there was
20 any liquid waste in the container?

21 A. Not that I know of. I tell you now

1 Fritz wouldn't take no barrels over there. I
2 tell you that right now. He would not take no
3 drums. If he had drums in there, I think it was
4 some kind of standing order over there, even with
5 Robb Tyler, he would not take no drums over
6 there.

7 Q. And by drums you mean 55-gallon drums?

8 A. 55-gallon drums of liquids, you
9 couldn't take it over there. You had to take --
10 you see, when you haul containers, most of your
11 haul was what you call dry trash. Now, liquid
12 drums, they was put in a different container
13 because they paid more money when you hauled
14 them.

15 Q. Okay.

16 A. We would pick this container of liquid
17 drums up, I think Western Electric did have a
18 liquid container down there. You would put the
19 barrels in it. They would load it. They would
20 put maybe 20 or 30 barrels in this container.
21 You lock the door on it or put a chain across the

1 back so it couldn't bust the door open. You pick
2 it up and you take it to Robb Tyler's office.

3 They had some sort of a burner over
4 there. I don't know what kind of a burner it was
5 that they had over there years ago. You take it
6 over there and set that can down and pick up an
7 empty and take it back to Western Electric and
8 that man over there used to take the bones out of
9 them barrels and put this hose in there and this
10 thing used to burn it. It used to roar so bad it
11 would hurt your ears and it would burn all the
12 liquids.

13 Now, it would never be no barrels or
14 nothing in these cans. It was dry trash, what
15 you would call it but all them barrels, they had
16 to go to the office. When I got ahold of them, I
17 think that paid about five dollars more for
18 hauling. You would take it to the office and
19 they would burn it in a burner, some kind of
20 burner they had over there.

21 Q. Do you know what happened to the

1 barrels after they were burned?

2 A. I think he sold them, to tell you the
3 truth. I think Tyler sold the barrels.

4 Q. Do you recall ever seeing wire in the
5 containers that you picked up from Western
6 Electric?

7 A. Oh, yes. It was all kinds of telephone
8 wire. It was bales of wire and everything was in
9 there.

10 Q. Do you ever recall seeing anything in
11 the containers at Western Electric that wasn't
12 quite a solid but not quite a liquid, a sludge,
13 for example?

14 A. I don't know. To tell you the truth, I
15 don't know.

16 If it was in a barrel form, it had to
17 go to the office because they would burn it over
18 there or whatever they done with it over there.
19 This machine used to burn it. If you would check
20 with Robb Tyler, they would tell you what kind of
21 burning machine it was.

1 Even General Motors, when we hauled
2 General Motors, all thinners, barrels of thinners
3 and oils and stuff like that, you would go to the
4 office and they would burn it in this burner. I
5 don't know what kind of burner it was. It has
6 been so long, I can't recall what that burner
7 was. It was some kind of round thing that used
8 to burn like an oil burner or something like
9 that.

10 Q. We have had some testimony, Mr. Sauer,
11 that something that looked like a greenish copper
12 mud was taken from Western Electric to Fritz's
13 Landfill. Do you have any recollection of such a
14 substance?

15 A. No.

16 Q. We have also had testimony that there
17 was a milky, oily substance that was taken from
18 Western Electric to Fritz's Landfill. Do you
19 have any recollection of such a substance?

20 A. Came from where?

21 Q. Western Electric.

1 A. No. It didn't go to Fritz's Landfill.
2 Who said it went there?

3 Q. We've had testimony from Mr. Cefaloni.

4 A. Mr. Cefaloni don't know what he's
5 talking about. Let me set you straight on that.

6 Q. Before you set me straight, let me just
7 mention that in an interview with Mr. Baker, the
8 same person with whom you spoke that your brother
9 also talked about this milky, oily substance
10 coming to the site.

11 A. I don't know if it came there or not,
12 but I'm going to tell you what I done with it
13 when I hauled it. That used to have a special
14 order on it and you didn't pick it up in no
15 little container. You picked it up in, I would
16 say about a 4,000-gallon tank on a big rig. That
17 used to go through the tunnel over to American
18 Recovery. You have heard of American Recovery?

19 Q. Yes.

20 A. That is where it went in a pond they
21 used to have over there. It was some kind of a

1 copper content stuff or something, I don't know
2 what it was. It was a water that he had in a
3 tank. I used to haul that for Robb Tyler. It
4 went into American Recovery on Patapsco Avenue.
5 I know where that stuff went.

6 Q. You did drive that?

7 A. I hauled it in a big tank and you had
8 to go to Robb Tyler's office and pick up a spare
9 tank. It had a big valve on the back of it. You
10 would take it over there and dump it and he
11 reflamed the stuff out of it.

12 Q. Do you recall ever hauling anything
13 containing cyanide from Western Electric?

14 A. Cyanide, I never knew they made
15 something like that.

16 Q. Do you recall ever hauling anything
17 containing cyanide acid from Western Electric?

18 A. I'm thinking, not that I know of,
19 unless it was put in a container unbeknownst to
20 whatever he hauled out of there. I don't know.

21 Q. Do you recall the names of any other

1 drivers who hauled waste from Western Electric?

2 A. Any other drivers that haul waste?

3 Q. Right.

4 A. I don't know what driver would go in
5 there. It was just like throwing them in a hat
6 and pulling out what one was going where. That
7 is the way it went. If you was to get Western
8 Electric, you hauled it. If you wasn't, you went
9 somewhere else.

10 Q. Do you know whether Mr. Cefaloni hauled
11 waste from Western Electric?

12 A. I don't know. To tell you the truth, I
13 don't know if he did or if he didn't.

14 Q. I think Western Electric was not one of
15 the four companies that you identified as being
16 one of your regular customers?

17 A. No, but see, how I worked was when I
18 finished up my four customers that were on a
19 daily basis, then I called the office or I would
20 go into the office, to Robb Tyler's office. He
21 would issue me other work to finish my day out.

1 That is how you would haul different stops other
2 than your special route.

3 Q. You have indicated, Mr. Sauer, that
4 barrels weren't taken to Fritz's Landfill. They
5 went to Tyler's?

6 A. Right.

7 Q. What was done with the barrels during
8 the time when Tyler's Landfill was closed?

9 A. I do not know.

10 Q. Did you ever see any barrels being
11 taken to Fritz's Landfill during that time?

12 A. No. To the best of my knowledge, I
13 didn't see none going in there. What went on
14 when I wasn't there, I don't know.

15 Q. Okay.

16 A. I still think when he closed they still
17 hailed them over to the office, if I'm not
18 mistaken, and that guy steady burned over there
19 because he used to run that thing almost around
20 the clock burning that liquid. I can't think of
21 that guy's name that used to run that thing.

1 Q. I may have asked you this, but again,
2 I'm not sure, do you know what happened to the
3 barrels after they were burned?

4 A. You mean after they burned the liquid
5 that was in them out?

6 Q. Right?

7 A. I think they resold them, but I don't
8 know. There was a barrel truck that used to come
9 in there. The guy used to come in there and get
10 your barrels out of the office. He used to haul
11 barrels out of there.

12 Q. Do you remember who that would have
13 been?

14 A. No, I don't know. That wasn't my
15 business. That was Robb Tyler's.

16 Q. I believe that you testified that you
17 did haul wire from Western Electric?

18 A. Yes.

19 Q. Do you recall specifically taking wire
20 to Fritz's Landfill?

21 A. Honey, if it was in a container, it

1 went there. That was the only place to go other
2 than go to the other side of town.

3 Q. You may have already answered this one,
4 Mr. Sauer, too, but we were leaping around there
5 at the beginning and I lost track of some
6 things. Did you ever haul waste from the General
7 Motors Chevrolet plant?

8 A. Waste?

9 Q. Again, meaning anything that was being
10 thrown away?

11 A. Yes, I hauled waste for them when I
12 worked for Robb Tyler. I told you I had to be
13 union to go in there, but when I went to work for
14 Robb Tyler, I joined the union and then I could
15 go into General Motors.

16 Q. What type of container did you haul
17 from General Motors?

18 A. 20-yard, open-top container.

19 Q. And I take it General Motors was not
20 one of your regular customers?

21 A. No. Now, when I went to work and I was

1 an employee for Robb Tyler, that was my steady
2 job. I used to work that 14 hours a day, General
3 Motors.

4 Q. And where would you take things that
5 you hauled from General Motors?

6 A. The drums used to go, when I was an
7 employee for Robb Tyler, I used to haul the trash
8 to Norris' Landfill. The drums used to go down
9 to the landfill and they had a recycling plant at
10 Norris' Landfill. It was run by Mel Winstead,
11 BFI or Robb Tyler or whatever it was.

12 Q. Were you hauling waste from General
13 Motors during the time when Tyler's Landfill was
14 closed?

15 A. No.

16 Q. Do you know who was?

17 A. No. One of his trucks possibly.

18 Q. Do you remember the names of any of the
19 people with whom you dealt at General Motors?

20 A. No. I think when I worked for Robb
21 Tyler, I don't know if it was a guy down there

1 named Big John or Big Ed or big somebody. He was
2 the big boss, he was the big boss down there. A
3 great big guy he was. I can't think of his
4 name. He used to take care of all the trash
5 around there and the water fountain thing he had
6 there used to recycle all their water.

7 We had a container that sat underneath
8 of there and it would get all the dirt out of the
9 water. The dirt would fall in this can, this
10 20-yard container and you would take that to the
11 dump. And I think the barrels, he used to put
12 them in a 20-yard container from General Motors
13 and we would take them to the office and they
14 would burn them.

15 That was paint thinners and paints and
16 stuff like that would go to the office and they
17 would burn them.

18 Q. That is the office at Tyler's
19 Landfill?

20 A. At 66th Street or 68th Street or
21 whatever it is down over the railroad tracks.

1 Q. Where did you haul this large container
2 that collected the waste?

3 A. The large container of trash?

4 Q. No, the large container that collected
5 the dirt?

6 A. That used to go to the landfill.

7 Q. To Fritz's Landfill?

8 A. No, Norris' Landfill. That is when
9 Norris' Landfill was open. General Motors didn't
10 have this thing, to my knowledge, I don't think
11 they had this water separator that used to clean
12 all their water. All their sewer water used to
13 go into this thing and it would take all the dirt
14 and purify the water and then they could put the
15 water overboard.

16 Q. I take it that you personally never
17 hailed anything from General Motors to Fritz's
18 Landfill?

19 A. No, I don't think so.

20 Q. Do you know of any other drivers who
21 hailed anything from General Motors to Fritz's

1 Landfill?

2 A. No, I don't.

3 Q. Are you familiar with any type of
4 sludge that was generated at General Motors?

5 A. No. I had nothing to do with that.

6 Q. Do you recall that there was a sludge?

7 A. I don't know. This stuff, whatever
8 come out of this water thing -- what the heck did
9 we used to call that container? I don't know. I
10 can't think of what it was. It was some kind of
11 water thing they had there.

12 All our waters used to go there and be
13 pumped in this thing and they got all the dirt
14 out of it and then they could put the water
15 overboard because it was purified. It was mud in
16 the bottom of that container.

17 Q. Do you know whether Mr. Cefaloni ever
18 hauled anything from General Motors?

19 A. I don't think so.

20 Q. Did Mr. Boswell ever haul anything from
21 General Motors?

1 A. I don't know.

2 Q. Did Mr. Miller ever haul anything from
3 General Motors?

4 A. No. He didn't have the type of truck
5 to do it with. I don't know if Cefaloni did
6 either, because I might be wrong but I don't know
7 if they had that type container in there. The
8 containers that he had, you couldn't haul no
9 weight in them.

10 Q. Did you know a gentleman called
11 Chevrolet Ray?

12 A. Yes, I knew Ray.

13 Q. How did you know him?

14 A. He used to haul over at our landfill
15 over on Quad Avenue.

16 Q. Did you ever see Chevrolet Ray at
17 Fritz's Landfill?

18 A. He would stop in there and try to sell
19 you some fish fry tickets or some oyster roast
20 tickets or a crab feast ticket or a little number
21 on the side if you wanted to buy it. That was

1 his trade.

2 Q. Did you ever see Chevrolet Ray dumping
3 anything at Fritz's Landfill?

4 A. No, he hauled to Robb Tyler's.

5 Q. Do you know what type of waste
6 Chevrolet Ray hauled?

7 A. He used to have some barrels in his
8 truck, I don't know what he hauled. It was a
9 General Motors truck. He had six or seven
10 barrels in there. I don't know what he had.

11 Q. Do you know who Chevrolet Ray worked
12 for?

13 A. General Motors.

14 Q. Do you know whether Chevrolet Ray was
15 hauling things from General Motors during the
16 time when Tyler's Landfill was closed?

17 A. I do not know.

18 Q. Are you familiar with a gentleman by
19 the name of Warren Parker?

20 A. I have heard of him.

21 Q. How do you know of Mr. Parker?

1 A. How do I know of him? I know him real
2 well right now. He's in the concrete business.
3 He owns CTI, Concrete Transport, Incorporated.
4 He's affiliated with Arundel.

5 Q. Did he used to be a waste hauler?

6 A. No, Parker hauled fly ash.

7 Q. How do you know that, Mr. Sauer?

8 A. He used to haul it on the Quad Avenue
9 Landfill, Robb Tyler's Landfill.

10 Q. Do you know where the fly ash came
11 from?

12 A. Yes, I do.

13 Q. Where did it come from?

14 A. Gas and electric, Turner Station.

15 Q. And how do you know that?

16 A. I used to see his trucks come there
17 every day and we used to use it for covering and
18 half of Dundalk is built on fly ash.

19 Q. Did you ever see fly ash -- what does
20 fly ash look like?

21 A. Fly ash is a gray, fine dust. As long

1 as it is wet, it's okay, but don't let it get dry
2 or you will look like I don't know what. It is
3 soot that comes out of the stacks.

4 Q. Did Mr. Parker tell you that the fly
5 ash came from Baltimore Gas' Turner plant?

6 A. No. I used to see him when he would
7 come out of there with it.

8 Q. You would actually see him driving out
9 of the Baltimore Gas plant?

10 A. Yes.

11 Q. Did you ever see fly ash at Fritz's
12 Landfill?

13 A. No. Fly ash is harmless, you know
14 that. It's harmless to anybody. As much of that
15 stuff I have ate in ten years and I'm just as
16 healthy as anybody and I'm not dead. So that
17 won't harm you.

18 Q. Did you ever see fly ash at Fritz's
19 Landfill?

20 A. No, I haven't.

21 Q. Did you ever see Mr. Parker at Fritz's

1 Landfill?

2 A. No, I haven't.

3 Q. Are you familiar with electrical
4 transformers, Mr. Sauer?

5 A. Yes.

6 Q. Did you ever see any transformers at
7 Fritz's Landfill?

8 A. To the best of my knowledge, no.
9 Transformers, I don't think Gas & Electric will
10 throw a transformer away. I think they have a
11 salvage crew that takes care of them. I don't
12 know. I might be wrong.

13 Q. Would this have been the case back in
14 the 1960's?

15 A. I don't know. I imagine they would
16 sell something like that, them big transformers
17 off them walls. They wouldn't throw nothing like
18 that away.

19 Q. Did you personally ever haul any waste
20 of any kind from any Baltimore Gas & Electric
21 facility?

1 A. That is a yes and a no, I will tell you
2 that.

3 Q. Could you explain?

4 A. I have hauled, on a front loader. Now,
5 I don't know if you know what a front loader is.
6 That is the one that has the forks, picks the
7 container up, dumps it overhead, sets it back
8 down and you go about your business. I have run
9 front loaders, picked up Gas & Electric places,
10 picked up telephone companies. I picked up all
11 over.

12 What is in this is back to the same
13 thing. What is in the container, I don't know.
14 I pick it up, dump it, set her down and fold up
15 and go to the next stop.

16 Q. Did you ever take any waste of any kind
17 from Baltimore Gas?

18 A. You mean trash. Let's get that right
19 now between waste and trash is two different
20 things here now. You mean trash.

21 Q. I mean anything that Baltimore Gas &

1 Electric was getting rid of or throwing away?

2 A. I picked up Gas & Electric on Fallsway
3 down there. I never forget it, I knocked the
4 daggone telephone pole down. You never forget
5 that. They had two eight-yard containers in
6 there. I went in there early in the morning and
7 picked it up and forgot about the wires, I raised
8 up to dump it and I backed up.

9 When I backed up I pulled the telephone
10 wires, electric wires and all down, pole and
11 all. And I did pick them up on a front loader.
12 But now other than a front loader, that could be
13 office trash. That could be sweepings around the
14 place or whatever kind of trash in a small
15 container. I have picked that up. But now no
16 big stuff.

17 Q. Did you ever take anything that you
18 hauled from Baltimore Gas to Fritz's Landfill?

19 A. Possibility, yes. I said a
20 possibility. I don't know what was in my load.

21 Q. Was Baltimore Gas a customer of

1 Fritz's?

2 A. No, they belonged to Robb Tyler. He
3 had Gas & Electric all over Baltimore.

4 Q. Do you remember the names of any other
5 drivers who hauled from Baltimore?

6 A. I don't know, that was on a route.
7 When I worked for Robb Tyler, I was what you call
8 a relief driver. I get 50 cents an hour more for
9 being a relief driver. And so I heard they had
10 10,000 stops and I used to keep 10,000 of them in
11 my head.

12 And if you didn't show up for your
13 route, I took your route the next morning and I
14 would pick that route up that day, and whoever
15 other didn't show up, if it was a big truck or
16 small truck or whatever, that is what I was was
17 relief man and I used to pick up all over. I
18 could tell you every stop that he had by head,
19 but now I done forgot them all.

20 Q. Do you know of any fires that ever
21 occurred at Fritz's Landfill?

1 A. Fires?

2 Q. Yes.

3 A. Yes, he had a couple of fires in there,
4 wood fires. Skids and stuff caught on fire in
5 there.

6 Q. Do you know how the fires were
7 extinguished?

8 A. The fire department put them out or
9 took a bulldozer. I got locked up over there one
10 morning sitting drinking a cup of coffee. The
11 fire department came in there. The fire was back
12 there and I didn't pay no mind to it. I was
13 sitting there drinking a cup of coffee and the
14 police come in here and locked me up for being on
15 the place when the fire was in progression. I
16 said you are crazy. I was sitting here driving
17 the truck. They took me in and I had to pay
18 \$50.

19 Q. Have you seen them use fly ash to put a
20 fire out at Fritz's?

21 A. No, that was at Robb Tyler's place.

1 You got the wrong landfill. Did you ever see a
2 dump when it gets on fire?

3 Q. No.

4 A. Well, don't be around it. You need
5 more than fly ash to put it out and the fire
6 department ain't worth having.

7 Q. Mr. Sauer, you indicated that when you
8 took a load to Fritz's Landfill, you would just
9 dump your load and then leave. Did you ever
10 watch to see what happened to the load?

11 A. The bulldozer done swiped it up and
12 pushed it down and run over top of it and
13 flattened it out. How you going to watch? When
14 you have the amount of trucks -- I don't know if
15 you people are familiar with a landfill. The
16 landfills years ago, when you went into a
17 landfill, you didn't goof around because you had
18 so many trucks coming in there, they had a
19 spotter there.

20 He used to spot the trucks. As soon as
21 one pulled out and that dozer pushed that trash

1 up, he would tell you to back in. Back in, open
2 your doors, dump your load and get the hell out
3 of the way in plain words, because another truck
4 over there or maybe 50 was lined up waiting to
5 dump, and that went on day in and day out, six
6 days a week. So you didn't have time to watch
7 what was going on.

8 Q. Okay.

9 When you were operating a bulldozer at
10 the dump, what did you do?

11 A. The same thing. If you got out and
12 started rooting in trash, they would tell you to
13 get in the truck and get out of the way or I
14 would push you out of the way. They had so much
15 coming that you didn't have time to set with that
16 dozer. That was even on Robb Tyler's Landfill.

17 I have seen it so bad down at Robb
18 Tyler's Landfill on a Saturday, I never forget
19 that. On a Saturday back there on Quad Avenue,
20 back behind his office. We had a fire back there
21 at about, I would say 500 loads of trash caught

1 on fire because the bulldozers broke down and
2 they were getting them fixed and they caught on
3 fire. And we worked all Saturday night, Sunday,
4 about three days to get that fire out.

5 Q. When you were working for your brother,
6 about how many loads a day would you say were
7 brought to Fritz's Landfill?

8 A. I couldn't give you no estimate on
9 that.

10 Q. About how many times a day would you,
11 yourself, dump a load?

12 A. Give or take eight times a day.

13 Q. When you were working for Robb Tyler as
14 an employee, about how frequently would you say
15 you dumped a load at Fritz's Landfill?

16 A. Approximately the same amount.

17 Q. During the time after the Quad Avenue
18 Landfill closed and before Norris Farm Landfill
19 opened, about how many Robb Tyler drivers would
20 you say were taking their loads to Fritz's
21 Landfill, do you know?

1 A. I couldn't tell you that. I didn't
2 know how many trucks he had going in there or
3 what, but it was the only landfill I could say,
4 and I'm going to take a fast guess at it. I
5 think it was two landfills open on the east side
6 of town and that was Colgate Landfill was Sejack
7 Landfill was over on Pulaski Highway was still
8 open and Fritz's. Everything else was gone.

9 Q. Is it fair to say then that during the
10 time when Tyler's Landfill was closed, waste from
11 Tyler's customers who were located on the east
12 side of town went to Fritz's Landfill?

13 A. I would say I can imagine now, I'm not
14 going to be sure. If they had a contract with
15 Robb Tyler, he had to fulfill his contracts. He
16 had to take this trash somewhere. So
17 approximately to my knowledge, I would say he
18 sent it into Fritz's to fulfill his contracts.
19 He had to get rid of it somewhere.

20 It had to go somewhere or he would have
21 forfeit or whatever you would say, his contract

1 or be charged that he couldn't fulfill his
2 contract saying I could take all your trash, give
3 you a contract and he had nowhere to put it.

4 So, I would imagine, all of his
5 contracts were sent into Fritz's Landfill to
6 fulfill his contracts?

7 A. To your knowledge, did Robb Tyler use
8 the Colgate Landfill that you mentioned?

9 A. No, them two were like cats and dogs.
10 He had a landfill in there behind. They shut one
11 down over there. We went in Colgate Landfill and
12 them two got into an argument over it and they
13 had the police there and locked them up, Robb
14 Tyler and that Sejack boy, the old man Sejack,
15 and then they went to Essex court and they got it
16 straightened out.

17 We used to go down there across the
18 railroad tracks and Robb Tyler had a landfill in
19 the back of his, a piece of ground back in there
20 and we used to dump back in there. But that is
21 when I was working for Fritz.

1 Fritz didn't always have a landfill.
2 When I was working for him, he used to haul
3 everything to Robb Tyler over at Robb Tyler's
4 Quad Avenue, Pulaski Highway and then there used
5 to be one down there behind Colgate's and we used
6 to haul everything in there.

7 Q. You have indicated that when Fritz's
8 Landfill was operating, trucks would come in,
9 dump their load, leave and the bulldozer operator
10 would push the load?

11 A. Even if I was on the dozer you would
12 push it up, back it in and then every night you
13 would cover it with dirt.

14 Q. Where would you push it?

15 A. You ramped it. A lot of people think
16 you just push trash over. You don't push trash
17 over. You ramp trash. You go on the hill like
18 this. You push it up the hill and then you
19 compact it with that tractor. You are constantly
20 packing it. Then that night you shove the dirt
21 across, shove the dirt up and seal it in so it

1 can't catch on fire on you.

2 Q. So the landfill would grow, if you
3 will, from day to day?

4 A. Yes, the new laws, as I hear now, I
5 don't know because I'm not too familiar with them
6 because I have been off the dump too long. You
7 have to put so many tons of trash per acre of
8 land. You have got to put so many tons in an
9 acre, so you have got to compact it to get it in
10 there. Now, that is what I hear the new laws is,
11 but I don't know. But years ago, they just
12 compacted it as best you could to get it down and
13 covered it with fly ash. We used to use fly ash
14 and Baltimore City ashes.

15 Q. Baltimore City ashes?

16 A. Yes.

17 Q. What do you mean by Baltimore City
18 ashes?

19 A. Baltimore City ashes used to come from
20 the Baltimore City incinerator over on Pulaski
21 Highway. Now this was not at Fritz's Landfill.

1 In was on Robb Tyler's Landfill, over at Quad
2 Avenue behind the office. We used to cover it
3 with ashes at night when I was on the dozer.

4 Q. And what would you cover the landfill
5 with at Fritz's Landfill?

6 A. That was covered with dirt, demolition,
7 what they called demolition, when you tear
8 building down, all that bricks and dirt and stuff
9 like that. That is what he used to cover up with
10 over there.

11 Q. Did you always have demolition debris
12 available for use?

13 A. Oh, yes.

14 Q. There was never a time, to your
15 knowledge, when fly ash was used, for example?

16 A. We never had fly ash. You didn't get
17 no fly ash over that way.

18 Q. I don't think I have too much more, but
19 I think I'd like to take about a ten-minute break
20 now and then I will finish up.

21 We are going to take a ten-minute

1 break, Mr. Sauer.

2 (Break taken.)

3 Q. Mr. Sauer, you indicated that Fritz had
4 a policy against accepting drums at his
5 landfill?

6 A. Yes.

7 Q. Can you tell me why he had that
8 policy?

9 A. I don't know but there was no way that
10 he wanted any drums brought on that place.

11 Q. And, again, you don't remember ever
12 seeing any drums?

13 A. To the best of my knowledge, I didn't.

14 Q. And that would include when you were
15 operating the bulldozer?

16 A. Yes, when I operated the bulldozer?

17 Yes, you see a barrel of liquids, a lot
18 of people don't realize when you are on that
19 bulldozer and you are pushing trash and even the
20 standards and the laws of Robb Tyler's, they
21 didn't want barrels or stuff mixed in the trash

1 because when you were pushing with that big
2 dozer, you could run over a barrel of thinner, I
3 have seen dozers burned up on the Reliable
4 Landfill by a barrel of liquids. You run over it
5 with that big dozer, a spark would catch on fire
6 and you have 55-gallon of thinner underneath of
7 you, whoof, off she goes. The first thing you do
8 is take off trying to jump and run to get off of
9 it. There goes the dozer.

10 Q. Where did you see that happen?

11 A. That happened on Quarantine Landfill
12 and I seen three men, it was down on Robb Tyler's
13 Landfill, I seen three men get burned alive down
14 there.

15 Q. In the same incident?

16 A. In the same thing, only this was in a
17 different form. I had a load on myself when I
18 worked for Robb Tyler. It was on Norris'
19 Landfill. A lot of people don't know that these
20 aerosol cans, it was three trucks of us went
21 through to Noxell Corporation off of 83. We

1 picked up three loads of aerosol cans, disinfect,
2 that harm nobody, that you use in your bathroom.

3 We took them down to the landfill.
4 They sent a man with us in a car to make sure
5 that that load was disposed of, then loads was
6 disposed of. Back-up on the landfill. It was
7 cold. Trucks was all lined up in there and
8 dumping, backed in there and dumped it, one of
9 the dozers went through it and when it did it
10 went off like a cannon. Three men got burned
11 alive. Everybody said that the aerosol wouldn't
12 burn but they forgot the gas was in these cans
13 that blowed up.

14 Q. And that was at Quarantine?

15 A. That was at Norris' landfill. From
16 then on it was a standard to never put barrels in
17 a load of trash. Now that is the best I can tell
18 you. It would slip by. Barrels would get in
19 there and you would see the dozer run over them
20 and stuff would fly.

21 Q. Did you ever see liquids dumped at

1 Fritz's Landfill, not necessarily in barrels but
2 just free liquids or loose liquids, if you will?

3 A. Not to the best of my knowledge, no, I
4 never seen that.

5 Q. Which landfill, on the east side of
6 Baltimore, was the closest landfill to the
7 General Motors, Chevrolet plant?

8 A. When they was all closed or when they
9 were open?

10 Q. When they were open.

11 A. All of them were open, Robb Tyler's and
12 Fritz's was open, the closest one was Fritz's,
13 but they didn't truck in there until Robb Tyler
14 closed.

15 Q. I'm sorry. It is your testimony that
16 wastes weren't taken from General Motors to
17 Fritz's Landfill until Robb Tyler closed?

18 A. Yes.

19 MR. GRUMMER: Was that were not?

20 MS. CASANO: Were not.

21 Q. And you indicated previously, I

1 believe, that you did not see Chevrolet Ray at
2 Fritz's Landfill dumping anything?

3 A. To the best of my knowledge, I didn't
4 see him.

5 Q. When all the landfills were open, which
6 landfill was closest to the Western Electric
7 plant on Broening Highway?

8 A. Pulaski Highway, Robb Tyler's
9 Landfill. That would be Quad Avenue. We used to
10 come down North Point Road and go under the
11 double bridges on North Point Road, turn to Quad
12 Avenue and go back to the landfill way back on
13 the water.

14 Q. And that Quad Avenue was closer to
15 Western Electric than Fritz's Landfill?

16 A. No. It was within five city blocks
17 apart.

18 Q. Okay. You mentioned that you talked to
19 someone named Brownie when you went to Western
20 Electric?

21 A. That was the man who used to tell you

1 what container to pull.

2 Q. Do you recall any conversations with
3 him about the kinds of things that were in the
4 containers?

5 A. No. The doors would be shut on it and
6 he would have it all secured. You would set it
7 off. He would say pull this one. Go over to so
8 and so's section and get another one to be loaded
9 over there. You could look in the top of the can
10 that it was full. You just set your empty off,
11 grab that loaded one and take it on around, get
12 the guard and he would sign the ticket and away
13 you would go.

14 Q. Is it fair to say that generally
15 speaking, you did not know what was in the
16 containers that you hauled?

17 A. No, you didn't load it.

18 Q. And you didn't wait around at the
19 landfill to see what came out of your truck?

20 A. No, you just dumped it and go.

21 Q. Are you familiar with Patterson High

1 School?

2 A. Yes.

3 Q. Was that constructed during the time
4 that you were working for your brother?

5 A. I think it was. I think it was up
6 there. It could have been up on that hill. I
7 don't know. It could have been up there. It
8 could have been built up there and it could not
9 have been. I tell you the truth, I don't know
10 for sure if it was up there or if it wasn't up
11 there.

12 Q. You have indicated that the landfill
13 grew, if you will, as loads were dumped. About
14 how big would you say the landfill was the last
15 time that you dumped there?

16 MR. MASUR: Are you talking Sauer's
17 Landfill?

18 MS. CASANO: Yes.

19 A. How big it was, I imagine as big as it
20 is now. I can't tell you how far it went, to
21 whatever land he owned, I imagine. The land he

1 owned or whatever it went to. The way I got it,
2 whatever Al said, you done it. Wherever he
3 owned, he filled.

4 Q. "He" meaning Mr. Landay?

5 A. Mr. Landay.

6 Q. Did Mr. Landay want to have land filled
7 in?

8 A. Let me revise. I don't want to get
9 ahead of whatever you are talking about. But Mr.
10 Landay, that was his nature and his business.
11 Mr. Landay went around and bought low ground.

12 Down on North Point Road an Pulaski
13 Highway, I don't know if you are familiar with
14 it, it used to be a landfill in there that Landay
15 owned before, years ago I would say 35 or 40
16 years ago when I was a kid going to school. He
17 has all the trucking companies now and he has a
18 motel there and a bar and he used to sell
19 automobiles years ago. And he bought that big
20 piece of ground that was swamp back there. He
21 filled it in. Then he built all these nice

1 trucking terminals in there and rented them out.

2 I done a lot of bulldozing work for Al
3 Landay. Over on Patapsco Avenue he done the same
4 thing, he bought all that low ground over there
5 and filled it in. He built all the buildings on
6 West Patapsco Avenue over there between, the way
7 I heard, I don't know it could be some stuff to
8 it. He owned from Washington Boulevard to
9 Hanover Street, Potee Street all along West
10 Patapsco Avenue was all low ground.

11 He filled it in and he built buildings
12 on it and that is how he accumulated what he has
13 now. He bought ground that no one would buy and
14 he filled it in and he built a big nice building
15 on it and then sold it.

16 Q. Was it your understanding that that is
17 what Mr. Landay intended to do?

18 A. Oh, yes, sure he intended to build
19 there.

20 Q. How do you know that?

21 A. Well, he has done it everywhere else he

1 has filled in. I don't know if he is the one
2 that sold to that big trailer place that is there
3 now?

4 Q. Pie Corp.

5 A. I don't know who it is or who it ain't,
6 but Al Landay, years ago bought my father's
7 place. My father used to own a pretty good size
8 piece of ground in there. He had bought that out
9 and somewhere along the line he knowed that the
10 big road was coming through there that we didn't
11 know and he had bought my father out and left us
12 stay there.

13 And then the new road came through and
14 he sold it all to the new road for a big profit
15 that no one knowed what was going to go on.

16 Then the way I hear or whatever it is
17 or how he done it, he bought all that ground or
18 he owned all that ground in the back where the
19 landfill was. He owned all that ground back
20 there and he filled it in and then he sold it to
21 that place that has got them big trailers there

1 now.

2 I guess it was big signs around there
3 when he had told us all to get off. It was for
4 sale. The whole place was for sale. He would
5 build to suit the tenant. So naturally, that is
6 what he did. He filled it in to build it for the
7 person that wanted to buy it.

8 Q. You indicated you worked for Mr. Landay
9 at one point?

10 A. Oh, yes, I did a lot of grading for
11 him.

12 Q. But that was not there?

13 A. No, this was at Patapsco Avenue, down
14 near the Bay Bridge, all over.

15 Q. Did you ever see Mr. Landay at Fritz's
16 Landfill?

17 A. Yes, he used to come up there. He was
18 the boss.

19 Q. How do you mean he was the boss?

20 A. Whatever he said went. If you didn't
21 like it, get off.

1 Q. Do you recall any time when he told
2 anyone where to put fill or where to dump?

3 A. I don't know. He might have told it to
4 my brother that they would change spots, you
5 know. Some days you would be dumping over here
6 and some days you would go over there and dump.
7 I think he had a crew. I don't know for sure.
8 He had a crew come around.

9 Don't know if they were surveyors or
10 what they were but they worked for Al Landay,
11 maintained all these buildings and they would
12 come around with these instruments and set up. I
13 guess they were doing grades or whatever they
14 were doing and then my brother would say we can't
15 dump over there tomorrow. We have got to move
16 over here. Al was up again. So whatever he
17 said, that was it.

18 So I could imagine he had filled that
19 piece of ground in to resell it.

20 Q. About how many times would you say that
21 you saw Mr. Landay at Fritz's Landfill?

1 A. I couldn't explain that. It has been a
2 number of times, but I couldn't give you the full
3 amount. I think, if I'm not mistaken, I think he
4 had it was either a black Lincoln or a blue
5 Lincoln or a Corvette or something that used to
6 come up in there.

7 But whenever you seen his car there,
8 you knew some trouble was on there. One day we
9 was all hauling in there and he closes it up.
10 The next day he was open back up again.

11 Q. He meaning Fritz?

12 A. Yes. We all have to haul the long
13 distance, wherever we could haul. Al Landay came
14 up there and closed everything down and then you
15 would go the long distance, haul through the
16 tunnel or go through the city or haul all the way
17 to Quarantine Road. Some of them trips would
18 take you three hours to make, an hour and a half
19 over and an hour and a half back.

20 Q. Do you know a gentleman by the name of
21 Edward Azrael?

1 A. I tell you, I think I seen him one time
2 but I wouldn't know him if I seen him. I heard
3 his name, but I wouldn't know him if I seen him,
4 to tell you the truth. He is Senator Azrael, if
5 I'm not mistaken. Wasn't he a Senator at one
6 time?

7 Q. I have heard him referred to as
8 Senator, but I don't know.

9 A. I think I heard my brother say that. I
10 think that guy come up there. It was a little
11 guy, I think. And he said, well, watch out, that
12 is Senator Azrael, and I said I ain't worrying
13 who he is. I think I seen him one or two times
14 but I have never spoke to him. I have seen him
15 from a distance but I wouldn't know him if he was
16 in this room.

17 Q. Did you see him at Fritz's Landfill?

18 A. He used to come with Al Landay. I
19 think he came up there with Al Landay during the
20 day but I can't say for sure. But if he would
21 come, he would come with Al.

1 Q. And do you recall whether that would
2 have been when the landfill was accepting waste
3 for dumping?

4 A. A possibility, yes, but I ain't going
5 to say for sure. I don't know. But I know he
6 would come up there. Now whatever went on, that
7 was amongst them. I had nothing to do with it.

8 Q. Mr. Sauer, did you ever live in one of
9 the houses by the dump?

10 A. No, I lived in Dundalk. What do you
11 want my wife to shoot me to put her in a house
12 like that?

13 Q. Mr. Sauer, you have indicated that you
14 know where Patterson High School is now.

15 A. Yes.

16 Q. About how close would you say the
17 landfill came to the high school?

18 A. Now or what? When you last saw the
19 landfill, when it was actively operating at that
20 point in time, how close would you say it was?

21 A. I couldn't tell you no footage like

1 that. I wouldn't know. I don't know. I don't
2 know how many acres that piece of ground is up
3 there where that high school is built, give or
4 take. From the high school down to where the
5 landfill was, five acres in between or maybe
6 further. Feet each, I don't know.

7 Q. Do you know where the baseball diamond
8 is by Patterson High School?

9 A. Yes.

10 Q. About how close would you say the
11 landfill came to the baseball diamond when you
12 last saw the landfill when it was operating?

13 A. I'd say the landfill from the baseball
14 diamond, I don't think that baseball diamond was
15 in there when that landfill was working?

16 Q. Okay.

17 A. I don't know for sure now, but I don't
18 think it was in there.

19 Q. Do you recall whether the landfill was
20 surrounded or bordered by trees?

21 A. Yes, it was, because they tore all them

1 trees down and built that new road through there.

2 Q. Do you recall how close the landfill
3 came to the trees?

4 A. I think they came up to the trees. I
5 don't know. I couldn't tell you that. I think
6 they came up to the trees. I don't know for
7 sure. But if I ain't mistaken, it was either a
8 waterline put through there or a sewer line put
9 through there years ago, and I don't know if it
10 is up there near the high school or if it is up
11 in them trees somewhere.

12 It is a tremendous water main came down
13 through there and it is a big sewer. The main
14 sewer line for Baltimore City goes through that
15 landfill because I recall Fritz saying that you
16 can't get no trucks on top of that sewer line and
17 he used to reroute the road around that line.
18 But in turn, Baltimore City put a road on top of
19 it.

20 Q. Put a road on top of the sewer line?

21 A. On top of that sewer line. You are not

1 supposed to ride on top of that sewer line
2 because if it ever breaks, it was leaking one
3 time and the City come out and fixed it. But if
4 that sewer ever breaks, you better get out of
5 that bottom of North Point Road.

6 Q. Do you recall whether dumping occurred
7 on both sides of the sewer line?

8 A. I don't know. I think I know about
9 where the dividing line of that sewer line is.
10 It could be the center of that road, Kane
11 Street. No. It could be the center of Lombard
12 Street. It could be.

13 Q. The sewer line is in the center?

14 A. I think it is, but I don't know for
15 sure.

16 Q. Do you know whether dumping occurred
17 on --

18 A. No, because that road was not in there
19 when we were dumping in there.

20 Q. Do you recall whether dumping occurred
21 where the road is now?

1 A. I wouldn't make no commitments on
2 that. I wouldn't know because it was a wide open
3 space. I don't know.

4 Q. Do you know a gentleman by the name of
5 Edgar Smith?

6 A. Who did he work for?

7 Q. He was employed by Robb Tyler, Inc. as
8 a bulldozer operator?

9 A. Yes, Smitty. I don't know him by that
10 name.

11 Q. Do you recall that we worked at Fritz's
12 Landfill?

13 A. Yes, Smitty run the dozer over there.

14 Q. Do you recall when he worked at Fritz's
15 Landfill?

16 A. No. I can't remember dates. I don't
17 know. It was when Robb Tyler got shut down and
18 he didn't have nowhere to go and he had that
19 dozer over there, but when that was, I don't
20 know.

21 Q. Do you recall whether Smitty worked at

1 Fritz's Landfill at any other time?

2 A. I don't know.

3 Q. Do you recall whether Smitty worked at
4 a particular location at Fritz's Landfill?

5 A. No, I couldn't tell you that. I know I
6 did work with him on a dozer when I didn't have
7 no work with the truck or that brother of mine
8 wouldn't show up and my brother would say run the
9 dozer today. And we have to call Robb Tyler and
10 tell him that we can't give him the truck today
11 because we need the dozer today, and I would run
12 alongside of Smitty pushing.

13 Q. Do you recall whether, when Tyler's
14 drivers were hauling things to the dump, they
15 dumped in a particular location?

16 A. No, they dumped wherever they were told
17 to dump, wherever the dozer operator was,
18 wherever he was sitting, you would come up to him
19 and he would tell you to dump right there.

20 Q. Do you recall ever seeing a trench dug
21 at Fritz's Landfill?

1 A. A trench?

2 Q. Right.

3 A. For what?

4 Q. For dumping waste.

5 Q. You indicated that Tyler's drivers used
6 Fritz's Landfill one time after Quad Avenue
7 closed and before Norris farm opened. Was there
8 any other time that you know of when Tyler did
9 not have a landfill open?

10 A. Yes, when he was on strike.

11 Q. When would that have been, do you
12 recall?

13 A. I don't know.

14 Q. Would that have been during the time
15 that you were a Tyler employee?

16 A. No. No. I wasn't an employee, I was
17 working for Fritz -- no, I wasn't working for
18 Robb Tyler and I wasn't working for Fritz. I was
19 working for a contractor. Who the heck was that
20 contractor? One of them, I don't know. One of
21 the contractors I was working for when Robb Tyler

1 went on strike.

2 Q. Was that a waste hauling contractor for
3 whom you were working?

4 A. No, a contractor digging basements,
5 building houses, footers, clearing inland.

6 Q. Do you know whether, during the strike,
7 Tyler used Fritz's Landfill?

8 A. I'm almost sure he did because all of
9 his landfills were closed with pickets lined up.

10 Q. Is there anything that might refresh
11 your recollection as to when that strike
12 occurred?

13 A. No. I don't know when it was.

14 Q. Would it have been after --

15 A. I tell you what. Fritz was open when
16 they had the big riots in Baltimore and they tore
17 down all these buildings and set everything on
18 fire. They hauled all that stuff in there to
19 Fritz.

20 Q. The debris from the buildings?

21 A. Yes. Now, if Robb Tyler was hauling in

1 there or when it was or when the strike was, I
2 can't think when that strike was. I thought I
3 might have remembered it. It might have been
4 around when the riots was, but I don't know for
5 sure.

6 Q. Would those have been the riots that
7 occurred in 1968?

8 A. It could have been, I don't know.

9 Q. Do you recall whether those were part
10 of the riots that swept the country, if you
11 will?

12 A. Yes, something like that, when they had
13 the big fires and everything up in Baltimore, had
14 the big riot.

15 Q. I just have a few more questions, Mr.
16 Sauer, and then I'm finished. We are a little
17 unclear on what period of time you worked for
18 your dad and then what period of time you worked
19 with Fritz. I know you are having a hard time
20 recalling dates, but I'd like to go back over
21 that for a few minutes and see if we can't pin

1 that down a little bit.

2 I think you indicated that you seem to
3 recall working for your dad in the forties, is
4 that correct?

5 A. Well, I worked for the old man ever
6 since I was old enough to work. That was up
7 until I decided to go to Glenn L. Martin's. I
8 don't know when that was.

9 Q. What was your last year in school, Mr.
10 Sauer, do you remember?

11 A. No.

12 Q. Did you graduate from high school?

13 A. No.

14 Q. Did you go to school through eighth
15 grade?

16 A. Yes.

17 Q. Did you have any high school education
18 at all?

19 A. No.

20 Q. So you went to work for your father
21 after you finished eighth grade?

1 A. No, I was working for him on the side
2 while I was going to school. You had chores to
3 do when you came home.

4 Q. After you finished your formal
5 education and after you graduated from eighth
6 grade, then where did you go to work?

7 A. I didn't do no working. I worked
8 around the yard, loading scrap, doing this, doing
9 that.

10 Q. That would have been your dad's yard on
11 North Point Road?

12 A. Yes.

13 Q. Approximately how long did you work for
14 your dad?

15 A. I can't tell you that, believe it or
16 not.

17 Q. You were born in '31.

18 A. Maybe I was 16 or 17, 18 years old. Up
19 until I was 18 years old. Then I went to work
20 for Glenn L. Martin's. Then when I quit Glenn L.
21 Martin's, then I bought some dump trucks and I

1 was hauling scrap for Al Landay. When Al Landay
2 was in the scrap business I used to haul by the
3 ton for him, cast iron, scrap, stuff like that.

4 Then I turned around and got out of
5 that. Then I went to work for my brother Fritz,
6 or did I.

7 Q. Do you have children, Mr. Sauer?

8 A. One boy.

9 Q. And when was he born?

10 A. He is 30 years old. You have got me
11 now. I can't remember no dates.

12 Q. He would have been born around 1960?

13 A. Yes, somewhere around there.

14 Q. Do you recall whether he was born while
15 you were working for Fritz?

16 A. He could have been.

17 Q. And I think you indicated that you
18 worked for Fritz up until about 1968?

19 A. Around '68. About eight years I worked
20 for him and then I went to work for Robb Tyler.

21 Q. And you worked for Robb Tyler until

1 sometime in the 1970's?

2 A. I think in '71, they broke the union in
3 '71. I left Robb Tyler when they turned around
4 and broke the union. Then I went to work for
5 American Automatic Sprinkler Company. I put the
6 sprinkler work in that building right across the
7 street there. Then I left the American Automatic
8 Sprinkler and I went with Arundel Concrete
9 Corporation and I have been with them since.

10 Q. You indicated that your dad's business
11 was located on North Point Road. When Fritz
12 started his business, did you move into the same
13 location?

14 A. No, he didn't move in the same house
15 and everything, because the house was falling
16 down after it sat idle for all them years and the
17 kids tore it apart. He had had a little trailer
18 there which was his office and the place where we
19 fixed tires.

20 Q. Was it the same piece of property,
21 though?

1 A. I think it was on State property. I
2 think he had his office set up on State property.

3 Q. Property owned by the State of Maryland
4 as opposed to Mr. Landay?

5 A. The ones that owned the property where
6 they put the 95 tunnel-bridge across, that is the
7 ground that he had leased. I think he leased it
8 off the State of Maryland or federal or whoever
9 it was he leased it off of. I don't know.

10 Q. You indicated that your father sold
11 property to Mr. Landay?

12 A. Yes.

13 Q. Was your father's business located on
14 any of that property?

15 A. What he had sold to him?

16 Q. Right.

17 A. Yes.

18 Q. And was Fritz's business located on
19 that property?

20 A. I think it was located on my father's
21 property. I don't know.

1 Q. Do you recall whether any business
2 other than your dad's business, do you recall
3 whether after your father stopped doing business
4 and Fritz started doing business, whether some
5 other business operated on the property that was
6 Fritz's Landfill?

7 A. No, not that I know of.

8 Q. As you recall, it went right from your
9 father to Fritz?

10 A. Yes.

11 Q. I think you indicated that while your
12 father was operating the salvage yard, Western
13 Electric dumped trash on the property. Was your
14 father operating a landfill at the time?

15 A. No, a burn landfill. Do you know what
16 a burn landfill is?

17 Q. No, would you describe that, please?

18 A. A burn landfill and a sanitary landfill
19 was two different landfills. A sanitary landfill
20 is when you take trash in and you bury it. A
21 burn landfill is when you take it in and you burn

1 it. There is nothing left but the ashes.

2 Q. And then would the ashes have been
3 buried on the property?

4 A. The ashes would have been buried on the
5 property.

6 Q. And Fritz, I take it, was operating a
7 sanitary landfill?

8 A. A sanitary landfill.

9 MS. CASANO: I have no further
10 questions, Mr. Sauer. I'm going to turn the
11 questioning over to Ms. Marks, who represents the
12 State of Maryland.

13 EXAMINATION BY MS. MARKS:

14 Q. As I told you earlier, my name is Pam
15 Marks, and I'm going to be asking some questions
16 for the State of Maryland. I don't have as many
17 questions as Ms. Casano had. I will be short.

18 I do want to clarify a couple of points
19 about nicknames that we have used. When you
20 refer to Fritz Sauer, what was Fritz Sauer's full
21 name?

1 A. Frederick Sauer, Jr. Frederick August
2 Sauer, Jr.

3 Q. What was your father's full name?

4 A. The same name, only senior.

5 Q. And Mr. Sauer, did you have a
6 nickname?

7 A. I was Louie.

8 Q. Did anybody ever call you Luke?

9 A. Luke, Louie, you name it. I ain't
10 heard that name in 35 years.

11 Q. Which name was that?

12 A. Luke. I ain't heard that name in 35
13 years.

14 Q. Did people call you that name 35 years
15 ago?

16 A. Yes, they used to call me that years
17 ago. I don't know where I got it from but I got
18 it.

19 Q. Mr. Sauer, I'd like to understand a
20 little bit better what your job duties were when
21 you worked for Fritz Sauer.

1 A. I was everything that you can imagine,
2 truck driver, dozer operator, do whatever I had
3 to do, fix my own tires, work on my own truck,
4 you name it, but I didn't do no bookwork or no
5 paperwork or nothing like that. I don't have the
6 education.

7 Q. So you drove a truck?

8 A. Drove a truck.

9 Q. And you operated the bulldozer?

10 A. Yes, I was able to operate the
11 bulldozer, and the crane he had, I used to
12 operate the crane.

13 Q. What was done with the crane?

14 A. He used to load scrap with the crane.

15 Q. About how often did you operate the
16 bulldozer?

17 A. Maybe once a week, sometimes not that.
18 I had a younger brother who used to run the
19 dozer.

20 Q. What was your younger brother's name?

21 A. Edward.

1 Q. After you stopped working for Fritz
2 Sauer and started working for Robb Tyler, you had
3 stated that you operated the bulldozer for Robb
4 Tyler over at Quad Avenue, is that right?

5 A. No. Wait a minute. I did operate one,
6 worked on Quad Avenue landfill before they closed
7 it up. There was a situation there with that
8 brother of mine, I don't know how it was with him
9 and Robb Tyler, how he had it rigged up.

10 Sometimes he didn't have a bulldozer
11 operator over there if he didn't show up from
12 being drunk on a Monday, Robb Tyler would call up
13 and say send Louie over there to run the dozer.
14 I wouldn't run the big truck that day. I would
15 go over and run the dozer and push the trash and
16 they would swap trash back and forth for me
17 working but I still got paid.

18 Q. Was this during the time that you were
19 working for Fritz Sauer?

20 A. Yes.

21 Q. So sometimes when you worked for Fritz

1 Sauer, you would operate the bulldozer?

2 A. They would lend me to Robb Tyler for a
3 day or two days or a week.

4 Q. And which landfill would you be
5 operating?

6 A. Quad Avenue Landfill or sometimes I
7 would go to Quarantine or sometimes I would go to
8 Patapsco Avenue Landfill. It depends on where
9 they needed a dozer man that one of them didn't
10 show.

11 Q. Now during the time that you worked for
12 Robb Tyler and Robb Tyler's Landfill at Quad
13 Avenue was open, what were your job
14 responsibilities for Robb Tyler?

15 MR. BECK: Can I hear that question
16 back?

17 (The record was read by the reporter.)

18 MR. BECK: I'm not sure there is a
19 foundation for those assumptions, so I'm going to
20 make an objection for the record just in case I'm
21 right.

1 THE WITNESS: I can tell her what the
2 job classification was.

3 Q. Well, let me back up just a moment.
4 When you went to work for Robb Tyler, was Robb
5 Tyler's Landfill near Quad Avenue open?

6 A. I don't know. I tell you the truth, I
7 don't think it was, but I'm not going to take a
8 chance on that. I don't think it was and I don't
9 know.

10 I worked on and off for him over there
11 and the landfill was open, but I don't know if it
12 was open. No, it was open because I used to go
13 over there and work on his dozer and push trash.
14 He would lend me out for a week and I would go
15 over there and push trash. And then his man
16 would come back in or he would be sick or
17 something and he would come back in and he would
18 say I don't need you, go back over to Fritz.

19 I would go back over to Fritz and Fritz
20 would say okay, start running the truck again.
21 And he would call over and say go over there and

1 get your work over at the office. So I don't
2 know for sure if it was open or if it wasn't
3 open. You have got me stumped on that one. But
4 it was open when I was over there pushing.

5 Now, I don't know if it was the time
6 that you are saying or when it was closed or when
7 it was open. In other words, I was being paid by
8 Fritz but loaned to somebody else.

9 Q. And can you remember approximately what
10 year you stopped working for Fritz and started
11 working for Rob Tyler?

12 A. I'm saying I'm giving and taking around
13 '68. I'm saying around '68. I could be wrong,
14 I could be off. I don't know.

15 Q. Was it before the Sauer's dump closed?

16 A. It was before it closed. Because I
17 went with Robb Tyler when I went over to
18 Quarantine, Robb Tyler had problems with dozer
19 operators. He couldn't keep no dozer operators
20 on account of dust and dirt, and he asked me if I
21 wanted to come with him.

1 He said Fritz ain't going to be open
2 that much longer. He said I have got an opening
3 if you want to come with me. I said okay, I will
4 come with you. And Fritz said I don't need you,
5 go ahead. So I went with him and I went over
6 Quarantine Road and was working.

7 Q. And when you went to work with Robb
8 Tyler, your testimony is when you went to work
9 for Robb Tyler, Fritz Sauer was still operating
10 his landfill?

11 A. I think he was. Now, I don't know for
12 sure, but I think he was. I don't know. I don't
13 know if he was open, closed or what, but I know I
14 went with him because I seen where I had a good
15 chance to get another job and make better money.

16 If Fritz did close up I was left out in
17 the cold without a job and I seen where I had a
18 chance to make my move, so I made it.

19 Q. When you went to work for Robb Tyler,
20 what were your job responsibilities?

21 A. I was running the dozer, running the

1 dozer, running the pan, running the crane.

2 Q. At which landfill were you running the
3 dozer?

4 A. That was on Quarantine Landfill, and I
5 worked on Patapsco Landfill. That was Robb
6 Tyler's Landfill.

7 Q. And you testified earlier that you
8 worked as a backup driver for Robb Tyler, is that
9 correct?

10 A. Wait a minute. Get it right before you
11 start with this. What I was was a relief
12 driver. You had two relief drivers over there
13 who were supposed to know the routes. You had
14 what they called a route. A man had a sheet of
15 paper with so many stops on each sheet.

16 Each relief driver, you had two, got 50
17 cents an hour more than any person that worked
18 for Robb Tyler, any driver, because he was a
19 relief man. He was supposed to know every stop
20 that Robb Tyler had in his head or where to go
21 get it and how to get it and everything.

1 Q. Did you work as a relief driver for
2 Robb Tyler after you stopped working for Fritz
3 Sauer?

4 A. Yes. I worked as a dozer operator for
5 Robb Tyler after I had quit Fritz and I worked as
6 a truck driver after I had went to work for Robb
7 Tyler, a dozer man and a truck driver.

8 First I started off on the dozer. Then
9 I went to a truck driver because it was cleaner
10 work and more money.

11 Q. Mr. Sauer, I'd like to turn your
12 attention to waste that you observed at Western
13 Electric as a milky, oily substance, do you know
14 what I mean?

15 A. No. You made the statement or she made
16 the statement it was a milky, oily substance that
17 came from Western Electric in a tank that went to
18 American Recovery that reclaimed it.

19 Q. Do you remember seeing a milky, oily
20 substance at Western Electric?

21 A. I hauled it.

1 Q. Did you see the substance?

2 A. I seen it when I opened the valve up
3 and left it go in that pond he used to have over
4 there near that river. Why do you think he went
5 to jail?

6 MR. BECK: Could we have an antecedent
7 for the pronoun "he"?

8 A. That was one of your nice politicians.
9 What was her name?

10 Q. Who are you referring to?

11 A. I can't think of her name.

12 MR. RYAN: Was it the wife of Marvin
13 Mandel?

14 THE WITNESS: Yes, he was the one that
15 ran the recovery place. Her brother-in-law ran
16 the recovering place. I hauled in there and I
17 know. And I went in there and I said to him
18 where is the equipment you are reclaiming this
19 stuff with. You got a half broke down looking,
20 half dead compressor and a pond and there is a
21 pipe going overboard to the river at night.

1 We had a stack of papers that thick
2 that you had to give to him and have him sign it
3 or you was liable for it. I have been through
4 this, Western Electric.

5 Q. Mr. Sauer, would you please describe to
6 me what this substance looked like?

7 A. It was some kind of watery-looking
8 stuff. I don't know what it was. It wouldn't
9 hurt you.

10 Q. Could you describe, did it have a color?

11 A. I don't know, something about the color
12 of this table, I think it was. I don't know. It
13 has been so long ago.

14 Q. How would you describe the color of
15 this table?

16 A. It looked like brown-looking water if
17 I'm not mistaken. I don't know what it was. As
18 many times as I got a bath with that stuff with
19 that bad valve we had on the back of that tank.

20 Q. Was it any other color?

21 A. Not that I know of. Where the heck did

1 I get that stuff. I don't know what the heck it
2 was called. If I think about it, I will tell you
3 what it was. It has been so long. It's been a
4 while, 30 years since I fooled with that stuff.
5 No, about 20 years. No, it has been about 15
6 years, somewhere around there or longer than that
7 I hauled that stuff.

8 Q. Do you remember what the consistency of
9 the substance was?

10 A. What do you mean consistency?

11 Q. Was it a liquid or was it a sludge or
12 was it thick or thin?

13 A. It was water.

14 Q. It was watery?

15 A. Watery. You would back up to this
16 pond, you open the valve and let her go. It come
17 out of the cable building. That is where it came
18 out of the wire building.

19 Q. How do you know it came out of the
20 cable building?

21 A. Because it was marked on the ticket.

1 You had to know what building to go get it. We
2 used to tow it inside and drain it and take it
3 over to that half-dead recycling place. It was
4 on wheels.

5 Q. What did the ticket say?

6 A. It had to go to American Recovery, if
7 I'm not mistaken. That was his name. It had to
8 go over there.

9 Q. What did the ticket say about the
10 building?

11 A. I think it was in the wire building or
12 the cable building we used to get it out of. I
13 don't know. It has been so long. I had forgot
14 about that stuff.

15 Q. Do you know what that substance was
16 used for?

17 A. I think it was the wire drawing stuff.
18 They used to draw the wire through the water. It
19 used to go through the water you used to hear.

20 Q. How do you know that?

21 A. They told you. What the heck did they

1 say that stuff was. I don't know. It wouldn't
2 hurt you. I think it was water or some kind of
3 oil they used to have to make the wire smaller,
4 some kind of stuff they did down there with the
5 wire, whatever it was.

6 Q. Did the ticket say anything? Did the
7 ticket describe the waste or call the waste
8 anything?

9 A. No, I don't think it did. It just told
10 you what building to go to and where to take it.

11 Q. Was the waste container labeled with
12 any kind of waste?

13 A. No, you didn't have no labels in them
14 days.

15 Q. Did anybody tell you it was wire-
16 drawing waste?

17 A. Yes, you knowed it after you went there
18 day in and day out. After you picked that
19 container up you knew what it was and where it
20 had to go. It was some kind of wire-drawing
21 stuff or something they called it, you took it

1 over to that place on Patapsco Avenue and he was
2 supposed to get it and make sure he disposed of
3 it right away.

4 Q. Do you remember whether any Western
5 Electric employee ever told you what the waste
6 was?

7 A. No.

8 Q. You don't remember?

9 A. No, we only went by hearsay. You
10 picked it up and he told me, watch that container
11 because it is dangerous, it will flip over on you
12 when you go to get it. It is a load of water on
13 it. It's got to go over there to what is his
14 name. The next guy, he would remember every
15 one. He would get on the radio and say watch
16 that can, what that tank. It will flip on you if
17 you don't get it on right. Until you get it in
18 the locks, watch it. It will go sideways or turn
19 over on you.

20 Q. Do you remember what years -- I know
21 that you were having some problem with dates; do

1 you remember what years this waste was taken to
2 American Recovery?

3 A. No, honey, I can't remember one year
4 from the next one.

5 Q. Do you ever remember seeing any of this
6 waste that you refer to as wire-drawing waste in
7 a drum?

8 A. No. It was a certain tank, I told
9 you. They had a truck that used to tow it inside
10 the building down at Western Electric. It was on
11 wheels. It was a big tank as long as this table,
12 as big as this table. They towed it inside the
13 building and they pumped that stuff inside of it.

14 They had a pump in there and they used
15 to pump it in this tank and then they brought the
16 tank out and they set it on the side out there
17 and then whenever they would call Robb Tyler, you
18 would go down there with the truck and you know
19 where to go get that tank because it was set in a
20 special spot.

21 Q. Once again on the color of this

ORIGINAL
RECORDED

1 substance, you described it as brown; was it a
2 deep brown or a light brown?

3 A. I think it was brown. I don't know. To
4 tell you the truth, I forgot them colors, what it
5 looked like, but it used to go over to American
6 Recovery. I remember that, that old guy over
7 there that used to get it, he never done nothing
8 with it, but he got it. He was supposed to be a
9 registered man to take care of that stuff.

10 Q. Do you remember any other hauling
11 companies or private haulers using Sauer's dump
12 besides Robb Tyler?

13 A. Just as I told you before. There were
14 so many trucks going in and out of there, you
15 couldn't keep track on names of trucks or who
16 they were or who they wasn't or if they belonged
17 to Robb Tyler or if they were subleased. If they
18 was his trucks or his customers or contracted from
19 his customers that he had to get rid of the stuff
20 and he sent them over there to dump it. It is
21 impossible to tell anybody something like that.

1 Q. Are you familiar with a hauler or
2 somebody who used to be a hauler named Bohager?

3 A. No. There was another outfit named
4 Modern, but I think that belonged to Robb Tyler,
5 didn't it?

6 Q. What do you remember about Modern?

7 A. Modern Trash, they used to haul in
8 there.

9 Q. How do you know?

10 A. Because I used to see their trucks. I
11 think they belonged to Robb Tyler. I don't
12 know. I think he owned that outfit or
13 something.

14 MR. BECK: I move to strike the
15 statement of the witness as both nonresponsive
16 and lacking foundation.

17 A. I don't know if he owned it or what. I
18 tell you the truth.

19 Q. Do you remember any of the names of
20 haulers, of drivers for Modern?

21 A. No.

1 Q. What did the Modern trucks look like?

2 A. I don't know. I think Robb Tyler's
3 trucks were green. I don't know what color his
4 trucks was. I don't know.

5 Q. When you say you saw Modern's trucks
6 there, do you mean Sauer's dump?

7 A. Yes.

8 Q. Do you know where Modern brought waste
9 from?

10 A. No, how am I supposed to know that
11 man's business? That won't work.

12 Q. Mr. Sauer, do you recall, from the time
13 that you did some work for Mr. Al Landay, do you
14 recall any of his employees?

15 A. They are all dead now, I think.

16 Q. Do you remember who any of them where?

17 A. I can't remember what was his name. He
18 worked for a wrecking company here. Smoke his
19 name was. He was a big crane operator but he's
20 dead. He worked for some wrecking company.
21 Reese is dead. He got run over by a train. I

1 don't know. The whole crew is gone but me.

2 Q. Do you know who kept Mr. Landay's
3 books?

4 A. Don't ask me that. How am I going to
5 tell you somebody else's business. I can't tell
6 you who keeps your books, can I?

7 Q. Do you remember who gave you your
8 paycheck when you worked for him?

9 A. For Al Landay, he would write you out a
10 check and hand it to you. That was Al Landay. I
11 think he was his bookkeeper and his secretary and
12 you name it. Al was a hoss. You ain't never
13 knowed a man like him.

14 MR. MASUR: He was a what?

15 THE WITNESS: A hoss and a half, boy.
16 That is what you called him. That man never
17 slept.

18 Q. I'm almost finished with my questions,
19 Mr. Sauer. Let me just ask you about Sauer's
20 dump when you were dumping waste there.

21 A. You mean dumping trash there. We will

1 go with your waste. You are getting me confused
2 here with waste and trash.

3 Q. When I say waste, as Ms. Casano did, I
4 mean anything that was being thrown away,
5 anything that was being hauled to the dump to be
6 thrown away.

7 A. Okay.

8 Q. Did you ever use any other entrance to
9 the landfill besides the Kane Street entrance?

10 A. No.

11 Q. After you drove into the entrance on
12 Kane Street, where did the road go? Can you
13 describe to me how the road went?

14 A. When you come in off of Kane Street,
15 where did the road go?

16 Q. Yes.

17 A. The road went down between a junkyard
18 that used to be there. Tom Spearman ran, rented
19 off of Al Landay and had a junkyard in there.
20 You turned in off of Kane Street and went down
21 through the junkyard, down around like that and

1 on back up on the hill.

2 Q. When you turned in off Kane Street, was
3 the junkyard straight ahead of you or off to your
4 right?

5 A. To your right.

6 Q. So, did you go straight ahead to get
7 into the landfill?

8 A. Straight ahead and make a left when you
9 got down the bottom and followed the road right
10 around where they was dumping.

11 Q. You made a left when you got down to
12 the bottom of what?

13 A. You went down here and you couldn't go
14 no further because there was trucks parked over
15 there and you would just keep on around and
16 follow the road right on up there where you were
17 going to dump.

18 Q. Was there any structure or building or
19 anything where you made a left?

20 A. No. Well, yes, that is where we had
21 the tire shop, the truck body there. We used to

1 fix tires there and get fuel. There was a fuel
2 truck sitting there.

3 Q. After you made a left, were you into
4 the area where they were dumping yet or did you
5 have to go further?

6 A. No, you had to go further.

7 Q. After you made a left, did you continue
8 down the road to get to the landfill?

9 A. Yes.

10 Q. Was the road straight or did the main
11 road curve?

12 A. It was a dump road. Did you ever see a
13 dump road, crooks, cracks, crates, bends, and
14 this way to get up to where you are going. It's
15 not a straight highway on a dump. You just cut a
16 road in there and start the trucks rolling.

17 Q. Did the road, after you turned left,
18 could you describe about how long the road was?

19 A. I would say 500 feet after you made the
20 left at the fence there. There used to be a
21 little fence there. There was a contractor in

1 there that had a little fence and a yard there.
2 They were back in there about 500 feet.

3 That place has changed so bad now over
4 there, I wouldn't even know where it was at, to
5 tell you the truth. I wouldn't know where they
6 was dumping over there, the way it is changed
7 around with the road through there and the
8 buildings and you name it in there. That wasn't
9 there years ago.

10 Q. When you got to the end of the road,
11 what was there?

12 A. What?

13 Q. When you got to the end of the road --

14 A. There was a bulldozer sitting there
15 telling you to dump right there. You pulled up
16 in there, backed up, opened your doors, dumped it
17 out, pulled over on the side and shut your doors
18 and away you went, back out again. That was his
19 baby after you dumped it.

20 Q. Mr. Sauer, as the dump filled up and as
21 time went on, did the road change at all or did

1 it stay the same?

2 A. It depends on the location that Al
3 Landay prescribed you to dump. If they went out
4 there and whatever they did and said it is a low
5 spot here and it is a high spot here, you bring
6 it up even to the way I want it, that is where
7 you dumped. That is to the best of my
8 knowledge.

9 MS. MARKS: Okay, thank you. I don't
10 have any further questions.

11 MS. CASANO: We represent the
12 plaintiffs, Mr. Sauer, and next in line to
13 examine you will be the original defendants whom
14 we sued. So it's about 12:30, and I think it is
15 a good time to take a lunch break before we start
16 that.

17 Why don't we break for an hour and
18 resume at 1:30.

19 (Lunch recess from 12:30 to 1:30 p.m.)

20 EXAMINATION BY MR. GRUMMER:

21 Q. As I mentioned during the break, my

1 name is Mark Grummer and I'm here today
2 representing General Motors. I'd like to ask you
3 a couple of questions about the first time that
4 you worked at the landfill, that is, the time
5 that you worked for your father. I believe you
6 said this morning that you were born in 1931?

7 A. November 5, 1931.

8 Q. And you went to work for your father
9 when you finished the eighth grade?

10 A. Yes.

11 Q. Would you have been about 15 years old
12 at that time?

13 A. About 15.

14 Q. As I add that up, that tells me that
15 you probably started work for your father around
16 1946. Does that sound right?

17 A. Maybe about that, yes.

18 Q. That would be just after World War II?

19 A. Something around there, right after
20 World War II was over.

21 MS. CASANO: If you could speak up a

1 little bit, Mr. Sauer.

2 Q. And I believe you said you continued
3 working for your father until you were about 18?

4 A. About 18 or 19, when I went to work for
5 Glenn L. Martin's.

6 Q. So that would have been about another
7 three or four years?

8 A. Something like that.

9 Q. That would be about 1949 or 1950?

10 A. Something like that.

11 Q. After your testimony this morning, I
12 was a little bit confused. Was your father's
13 operation in the same place as Fritz's operation
14 was later?

15 A. No. My father's operation was up not
16 where Fritz was operating.

17 Q. But they were at the same address
18 approximately?

19 A. Same address. Yes, I would say the
20 same plot of property.

21 Q. How far was your father's operation

1 from what later was Fritz's operation?

2 A. Give or take 500 feet.

3 Q. Can you tell me which one was east and
4 which one was west?

5 A. I don't know east or west, not the
6 location down there.

7 Q. Would you go past the place where your
8 father operated to get --

9 A. My father operated off the North Point
10 Road side and my brother operated off the Kane
11 Street side. When my father was there, there was
12 a North Point Road entrance. When they tore my
13 father's house down and tore everything out where
14 he was operating and put the new road through,
15 the only way in when my brother started was off
16 of Kane Street. You couldn't come in off North
17 Point Road no more because the 95 bridge went
18 overhead. The entrance was tore out on North
19 Point Road.

20 Q. So your father's operation entered off
21 of Kane Street?

1 A. My brother's operation entered off of
2 Kane Street. Years ago, my father operated off
3 of North Point Road. There was no Kane Street in
4 there in them days.

5 Q. Did they merely enter from different
6 places or was the operation in different places?

7 A. The operation was in different places.

8 Q. Was Fritz's operation to the east of
9 where your father's was? Can you identify it
10 that way?

11 A. I'd say roughly from the south, over
12 near the railroad tracks. Have you ever been
13 down there?

14 Q. I have seen pictures. You say that
15 Fritz's operation was closer to the railroad
16 tracks?

17 A. Close to the railroad tracks. My
18 father's place was up front on a small tract of
19 land.

20 Q. Was Fritz's operation, in some sense,
21 behind your father's operation? Is that how you

1 viewed it?

2 A. Yes, behind it.

3 Q. Did the railroad tracks go between the
4 place where your father was?

5 A. No, Pennsylvania Railroad hump yard,
6 when you went into there, I would say it was on
7 your right. The hump yard is still there. Have
8 you been down on that site? Have you been around
9 there?

10 Q. I have driven by there. I have only
11 seen pictures.

12 A. Do you know where the big container
13 yard is?

14 Q. Pipe work?

15 A. I don't know what it is called. I see
16 it from 95 when I go to work. It's containers
17 down in there. That is where his operation was
18 where them containers are.

19 Q. Whose operation?

20 A. Fritz's operation.

21 Q. Fritz's operation is where Piecorp is

1 now?

2 A. I guess that is Piecorp. I don't even
3 know who they are. I don't know who it is. It
4 is a container yard in there, see containers in
5 there. That is where the operation was.

6 Q. This morning you said that sometimes
7 you were loaned to Quad Avenue?

8 A. Loaned to Robb Tyler to run a dozer on
9 Quad Avenue.

10 Q. When that happened, who paid you?

11 A. My brother paid me.

12 Q. So he paid you even though you were
13 loaned to Robb Tyler?

14 A. Loaned to Robb Tyler. Whatever his
15 deal was with Robb Tyler, I don't know.

16 Q. Who would tell you to go to Robb
17 Tyler's?

18 A. My brother would. He was my boss. I
19 worked for him.

20 Q. So you would receive that instruction
21 from your brother?

1 A. From my brother. Go to Robb Tyler's
2 and work today or tomorrow or how many days.

3 Q. Was Fritz still operating his landfill
4 after Norris Farms opened?

5 A. I don't think so. It was closed.

6 Q. Was the sequence of events that Fritz
7 closed and then Norris Farms opened?

8 A. I think right after he closed, the next
9 day Norris Farms had opened.

10 Q. When you say after he closed, do you
11 mean after Fritz closed?

12 A. After they closed Fritz's Landfill
13 down, Norris' Landfill opened up. We all started
14 hauling to Norris' Landfill.

15 Q. Do you know whether or not there was
16 any activity at Fritz's Landfill after Norris
17 Farms opened?

18 A. I don't know. I didn't work for him
19 after that. I was on Robb Tyler's payroll
20 driving his trucks.

21 Q. When Norris Farms opened, was that also

1 when you started work for Robb Tyler?

2 A. I started before Norris' Landfill
3 opened.

4 Q. So during that period of time when the
5 Robb Tyler landfills were closed, at that time
6 you were working for Robb Tyler?

7 A. I was working for Fritz when the
8 landfills was closed.

9 Q. I'm not sure I understand. You said
10 when that period ended, then Norris Farms
11 opened?

12 A. I was working for Fritz. When the
13 landfill started getting filled and was closed
14 down, I turned around and went to work for Robb
15 Tyler. Robb Tyler offered me a job. I had no
16 longer to work for Fritz because he didn't have
17 nowhere to work me. So I went with Robb Tyler.

18 Q. So when Fritz's Landfill closed, that
19 was when Norris Farms opened and also when you
20 started work for Robb Tyler?

21 A. Yes.

1 Q. Let me ask it this way. Did you ever
2 work for Robb Tyler when Robb Tyler was still at
3 Quad Avenue?

4 A. I drove for Fritz hauling Robb Tyler's
5 material.

6 Q. But you were not --

7 A. His employee, no. I was not Robb
8 Tyler's employee when I worked for Fritz.

9 Q. So you were not Robb Tyler's employee
10 when Robb Tyler was still at Quad Avenue?

11 A. The only way I was Fritz's employee
12 only when I was still his employee but I was
13 loaned out.

14 Q. I understand.

15 A. Now, when I wasn't loaned out, I was
16 working for Fritz hauling Robb Tyler containers.

17 Q. When Quad Avenue was still open, at
18 that time you were employed by your brother? You
19 were on his payroll?

20 A. Yes.

21 Q. Do you remember telling us this morning

1 about Smitty driving a bulldozer?

2 A. Yes.

3 Q. Do you know who was paying him, and I'm
4 talking about the time he was driving a bulldozer
5 at Fritz's Landfill?

6 A. I think Robb Tyler was paying him. I
7 don't know now.

8 Q. Did Smitty drive the bulldozer at
9 Fritz's Landfill only during this period when
10 Robb Tyler's landfills were all closed?

11 A. I would say yes.

12 Q. So as far as you can remember --

13 A. As soon as Fritz's Landfill closed they
14 moved Smitty to Norris' Landfill.

15 Q. So as far as you can recall, Smitty
16 didn't drive a bulldozer at Fritz's Landfill
17 before that time?

18 A. Before that period when all of Robb
19 Tyler's landfills were closed.

20 A. You are getting me confused here. In
21 other words, Smitty worked for Robb Tyler. When

1 he closed the landfill, they moved Smitty over to
2 Fritz's Landfill to push the trash.

3 Q. That time you just described, was that
4 the first time that you recall Smitty driving a
5 bulldozer at Fritz's Landfill?

6 A. Yes, that was the first time.

7 Q. Before that time, I believe this
8 morning you said that before that time there were
9 bulldozer drivers from Robb Tyler at Fritz's
10 Landfill, is that correct?

11 A. That was Smitty.

12 Q. Was there anybody before Smitty?

13 A. No.

14 Q. Was Smitty first Robb Tyler --

15 A. He was the first and the only driver
16 over there.

17 Q. So as far as you can recall, there
18 weren't other occasions?

19 A. I wouldn't know. Now when I come in
20 and dump my load, if they changed operators, I
21 wouldn't have paid no attention to it. If he was

1 pushing, I dumped my load, pull out of the way,
2 shut my doors and go. If they changed operators,
3 you assume that Smitty is still pushing. You
4 wouldn't know if they changed operators or what.

5 Q. But before Smitty came, do you recall
6 any occasion when a Robb Tyler bulldozer driver
7 came over to Fritz's Landfill?

8 A. No.

9 Q. When Smitty was there, were there
10 occasions when Smitty was driving a bulldozer and
11 you were also driving a bulldozer at the same
12 time?

13 A. Yes.

14 Q. Would you be close to each other?

15 A. Pushing rigs side by side.

16 Q. Side by side?

17 A. Yes.

18 Q. Would you work together or would you
19 work in two different areas of the landfill,
20 would you say?

21 A. One area. You never run two places on

1 a landfill.

2 Q. So you would say that you and Smitty
3 both worked the same place rather than working
4 separate areas?

5 A. You don't have two landfills going at
6 one time on one landfill. That won't work in
7 case you have a fire. If you have a fire, you
8 get two spots on fire at one time, it won't
9 work. You keep one spot working all the time.

10 Q. So I take it it was not a situation
11 where you were north and he was south or he was
12 east and you were west?

13 A. No. No.

14 Q. I take it you would not have been
15 separated by several hundred yards?

16 A. No.

17 Q. Can you give me any sense in feet or
18 yards of how close you might have been when you
19 were both working?

20 A. It depends on how wide you was pushing
21 the landfill. You could have been 100 feet apart

1 or 200 feet apart.

2 Q. Could you have called out to him?

3 A. Well, you could whistle over to him.
4 If something happened you could call over to him.

5 Q. You could wave to him or whistle to him
6 and he would hear you?

7 A. Yes.

8 Q. You may have answered my question, but
9 would the drivers that came in in their trucks be
10 directed to one of you or the other of you or
11 would they just be sent to where both of you
12 were?

13 A. They would be sent to where both of us
14 was.

15 Q. So there would not be anybody saying
16 you go by Smitty or you go by Lou?

17 A. No, no, no.

18 Q. That was not the case?

19 A. No.

20 Q. Was there one spotter for both of you?

21 A. Yes. Sometimes you didn't have a

1 spotter. You would point up that dozer and tell
2 him to dump right there. When you come in on a
3 landfill, the driver would pull up and if they
4 seen an open clean spot where you just pushed it,
5 he would pull up back in that spot. Then you
6 would back around him and push the trash again.

7 Q. Was there ever a situation where --

8 A. Once you get them trained, you don't
9 even have to tell them where to go. They go
10 themselves.

11 Q. Was there ever a situation where
12 somebody was directing the Robb Tyler drivers to
13 go to Smitty and all the other drivers to go by
14 you?

15 A. No.

16 Q. You do not recall any situation like
17 that?

18 A. No.

19 Q. I take it Fritz took over from your
20 father?

21 A. Yes.

1 Q. And Fritz changed the nature of the
2 operation when he took over?

3 A. Yes.

4 Q. And earlier you described your father's
5 operation as a burning landfill, was that the
6 term?

7 A. Right.

8 Q. And Fritz's operation as a sanitary
9 landfill?

10 A. Right.

11 Q. Do you remember the year that
12 changeover took place?

13 A. No, I don't.

14 Q. Did that changeover take place about
15 the same time that you started working for
16 Fritz?

17 A. No. He took over way before that.

18 Q. Fritz took over before you came to
19 work?

20 A. Yes.

21 Q. So you came to work --

ORIGINAL
(Recd)

1 A. When my father got sick with a nervous
2 problem he had and went into the hospital, my
3 brother took over. Now, what year it was, I
4 don't know.

5 Q. You can't remember what year Fritz took
6 over?

7 A. No, I cannot.

8 Q. And you cannot remember what year you
9 started?

10 A. No, I don't. I can't remember when I
11 started with him to tell you the truth.

12 Q. Do you know if it sounds likely that it
13 was around 1960 when Fritz took over?

14 A. Possibly. It could be or it couldn't
15 be. I don't know.

16 Q. Do you know why Fritz changed the
17 operation?

18 A. Why?

19 Q. Yes.

20 A. Because the laws went in effect,
21 possibly, to the best of my knowledge, the new

ORIGINAL

1 laws went into effect where you couldn't burn no
2 more. You had to bury everything, and that is, I
3 think, where he took over and went to a different
4 operation. Because that was Robb Tyler's
5 operation, the same as Robb Tyler. Everything he
6 took into his landfill was buried, not burned.

7 Q. Was there still some burning at Fritz's
8 Landfill?

9 A. It would be a fire if it would catch on
10 fire. You would have fires that would catch on
11 fire and it would get out of control where you
12 couldn't get it out with the dozer. Then you
13 would have to call the fire department. But you
14 could have a fire any time on a landfill. You
15 never know when you was going to have a fire.

16 Right after a wet day and you would
17 have the sun shining like now, when them wet
18 loads would come in and you would hit them, they
19 would be smoking and heat generating in them and
20 they would burst on fire quick on you if you
21 didn't get them busted open and get them packed

1 in the ground and then cover them with dirt.

2 Q. So Fritz changed from burning to
3 landfilling?

4 A. Yes.

5 Q. Did the nature of the materials coming
6 into the landfill change at the same time or was
7 it just a change in the way they were disposed
8 of?

9 A. It didn't change coming in. I don't
10 know what you could say. He had demolition
11 coming in and trash coming in and it didn't
12 change the nature of it. The only nature it
13 changed was not burning it. You were burying
14 it.

15 Q. Did Fritz take over the same customers
16 as your father had?

17 A. My father had no customers. He was in
18 the salvage business. Whatever he salvaged, he
19 brought in and you burned it and done whatever
20 you done with it and then hauled it to the scrap
21 yard.

1 Q. Would you describe Fritz as having been
2 in the salvage business?

3 A. To a certain extent he was. He bought
4 automobiles, junked automobiles and stuff like
5 that. He hauled to the junkyard, if you would
6 call that the salvaging business.

7 Q. Did the operation expand under Fritz?
8 Did it get bigger?

9 A. I don't think so. I don't think he got
10 no bigger. He had the same amount of trucks.

11 Q. Do you know if your father had
12 employees?

13 A. No.

14 Q. Did he work on his own?

15 A. He worked on his own, plus all the boys
16 had to work.

17 Q. I think you mentioned earlier that
18 under Fritz there were three drivers, yourself,
19 Michael Cefaloni and John Miller?

20 A. That was it.

21 Q. Did your father have a group of drivers

1 like that?

2 A. No, no. He had the boys driving.

3 Q. After Norris Farms opened and Fritz's
4 Landfill closed, did you ever have occasion to go
5 by Fritz's Landfill?

6 A. To go by it?

7 Q. Did you ever have occasion to go by the
8 place where Fritz's Landfill was?

9 A. You mean drive by it?

10 Q. Yes.

11 A. Sure, you had to go that way if you was
12 coming out of Highlandtown you had to go down the
13 Norris' Landfill. You would either use Kane
14 Street or use Eastern Avenue. If Eastern Avenue
15 was backed up, you jumped over on Kane and shot
16 through that way and around. You rode by there.
17 Wasn't nothing doing.

18 Q. When you would drive by, would you ever
19 happen to look at it and see what was happening
20 there?

21 A. Wasn't nothing happening.

1 Q. What did it look like? Was it just a
2 vacant lot?

3 A. Just a vacant piece of ground with
4 weeds grewed up on it.

5 Q. Do you know if people ever dumped
6 there?

7 A. I don't know. That was none of my
8 worries.

9 Q. I understand it wasn't any of your
10 worries, but we are very curious to know if we
11 can find out any information about what might
12 have happened there after Fritz left. Did you
13 ever hear, and I know you can't --

14 A. I was told by Fritz that Al Landay sent
15 the word out, he didn't want no one on his
16 property. And Al was a strict man. When he sent
17 the word out, he didn't want you on his property
18 or no one on his property, don't go on the man's
19 property because he would lock you up.

20 Al was a good man but when he give you
21 the word, you stay off his property. And he said

1 he wanted no one on that property. I never went
2 around the man's ground.

3 I worked for Robb Tyler for 10 or 11
4 years or whatever and I never went near the man's
5 ground. Fritz never went near his ground. No
6 one went on the man's ground. We stayed away
7 from it.

8 Q. So after Norris Farms opened and Fritz
9 left, Al Landay sent the word out stay off my
10 property?

11 A. No, after Al Landay closed it he said
12 stay off his property. That is when Fritz moved
13 up on the State property he had rented from the
14 State. That is where he kept his little bit of
15 trucks and whatever he had. I had done gone and
16 went to Robb Tyler's.

17 Later on he sold all his equipment to
18 Robb Tyler because he didn't have no more to do
19 with it. No one went back on his ground. What
20 happened after I left there, I don't know.

21 Q. After Fritz left there, then Al Landay

1 put that word out? Is that the sequence?

2 A. No, he put it out right after he closed
3 the landfill. He didn't want no more dumping on
4 his ground, nobody on his ground.

5 Q. When you say he closed the landfill, is
6 that about the same time that Norris Farms
7 opened?

8 A. Give or take, I guess it was. I ain't
9 going to say for sure. It was close to it. It
10 was close.

11 Q. But at that time, he put this word out
12 no more dumping on my property?

13 A. No more dumping, that's it. Stay off
14 my ground. And if I'm not mistaken, I think he
15 sent up his men and they put signs up, no
16 trespassing, no dumping, if I'm not mistaken.

17 Q. Did you see signs up of that nature?

18 A. I'm not going to say for sure, but I
19 think he did because he always put signs up
20 wherever he owned ground, no trespassing and no
21 dumping.

1 Q. Did he take any steps to barricade
2 entryways to the property?

3 A. If I ain't mistaken, and I don't know
4 now, you can't quote me on this now, I think he
5 put up poles and run a cable through them, if I'm
6 not mistaken, I don't know for sure, but I think
7 that is what he done. I don't know for sure
8 now.

9 Q. Do you know if anybody would dump there
10 anyway, if people would ever jump the curb or go
11 around the cable or do anything of that nature?

12 A. I don't know that. I don't know.

13 Q. Did anyone ever tell you, did you ever
14 hear of people doing that?

15 A. No.

16 Q. So that piece of property just sat
17 vacant?

18 A. It sat vacant until I came by one day,
19 until the trailer place was in there. It stayed
20 vacant until that trailer place went down in
21 there. And then I heard Al Landay had passed

1 away and I didn't know if he owned all that
2 ground or what he got. I don't know. I don't
3 know if he owned all the way up to City Hospital
4 or what he owned. Today, I still don't know what
5 he owned in there.

6 Q. But for 10 or 12 years that just sat
7 vacant?

8 A. It stayed there. Let's see, I worked
9 for Tyler for about, I would say 12 years or
10 longer and it was vacant. No one was on it.

11 Q. Do you know where Lombard Street is
12 now?

13 A. Yes.

14 Q. Lombard Street is built through --

15 A. I think Lombard Street is built through
16 Al Landay's ground, if I'm not mistaken. I could
17 be wrong. Maybe he would have sold them that
18 right-of-way to put that street through there. I
19 don't know.

20 Q. Where Lombard Street is now, is that
21 where Fritz used to dump?

1 A. I don't know. You can't get your
2 bearings after they done leveled it all off out
3 there and everything is all built up out there.
4 You don't know where you was dumping at. It's
5 just hard to say.

6 Q. So you don't know whether you were
7 dumping on one side or the other of what is now
8 Lombard Street?

9 A. No, you don't know. There is no
10 dividing line there. Now you have a road that
11 goes through there and divides the place. So it
12 is altogether different than what it did look
13 like.

14 Q. So I take it then that you can't tell
15 if you were dumping north side, south side --

16 A. No, I don't know.

17 Q. -- of what is now Lombard Street?

18 A. No, Lombard Street wasn't in there when
19 we was hauling in there. That has just been put
20 in there lately, ain't it? I don't know how long
21 Lombard Street has been put in there.

1 Q. During that period when all of Robb
2 Tyler's landfills in Eastern Baltimore were
3 closed, did that cause an increase in the level
4 of activity at Fritz's dump?

5 A. Do you mean an increase in trucks or an
6 increase in business or what are you talking
7 about?

8 Q. Well, any of those things. Let's talk
9 about an increase in trucks?

10 A. Sure, it did, when you had all Robb
11 Tyler's trucks going in there at one time coming
12 and going. You didn't know who was who.

13 Q. Can you give me any sense of how big an
14 increase? Did activity double? Did it get ten
15 times?

16 A. I don't know. I couldn't say that if
17 it doubled or tripled or whatever it done, but it
18 was a lot of trucks going in and out of there. I
19 will tell you that much.

20 Q. I think this morning you said you could
21 not remember how long that period of time was?

1 A. No, I don't know how long it stayed
2 open, him hauling in there, but I don't know how
3 long Robb Tyler was constantly hauling in there.
4 I don't know.

5 Q. Now, as I understand it, in the years
6 and months preceding that time, just before that
7 time, you had been working at Sauer's dump, you
8 had been working for Fritz?

9 A. Before Quad Avenue closed I was working
10 for him and Robb Tyler.

11 Q. Did the nature of the operations change
12 a lot? Like was it suddenly much busier at
13 Fritz's dump?

14 A. Sure it would be, if you had the only
15 landfill open on that side of town and everybody
16 was going in there, what would you think?

17 Q. Were trucks lined up where they had not
18 been before?

19 A. Sure they were.

20 Q. Were trucks ever lined up?

21 A. Lined up waiting to dump.

1 Q. Before that time when it was just
2 Fritz?

3 A. No, he didn't have that much going in
4 there.

5 Q. During that period when Robb Tyler's
6 landfills were closed, that was the first time
7 that trucks would be lined up at Fritz's?

8 A. Yes, right.

9 Q. How long was the line?

10 A. Oh, I can't make a statement like
11 that. I don't know. You could be 20 trucks, 10
12 trucks, five trucks or what.

13 Q. Would they be lined up on the road in
14 the landfill or out on the street?

15 A. Out on the lower road in the landfill
16 waiting to dump. It depends on the way they was
17 dumping, how many was dumping and how fast the
18 dozer was pushing it. That is on every
19 landfill. You sit in a line on every landfill
20 you go in right now. You wait for your turn to
21 dump.

1 Q. And the line got longer?

2 A. Sure, the line got longer.

3 Q. Was the area that dumping took place,
4 did it, over the years, tend to move outward?

5 A. What do you mean outward?

6 Q. Well, the area where dumping took
7 place. You said that the bulldozers would
8 operate in one place?

9 A. They would move out wherever Al Landay
10 stated to fill to. If he said move over, you
11 moved over and filled that spot and leveled the
12 piece of ground up. I think it went over to the
13 railroad, if I'm not mistaken.

14 That Pennsylvania Railroad hump yard
15 comes up in there. It went all the way over to
16 there and all the way back.

17 Q. Was there any pattern to that? Did the
18 area of dumping tend to move in one direction or
19 was it like a checkerboard where it would be here
20 one day or somewhere else the next day?

21 A. Well, it about stayed in one position

1 but it moved, not like a checkerboard. It would
2 move from here to here, back and forth as you
3 went out.

4 Q. Would it be accurate to say that the
5 area in which dumping took place expanded? Did
6 the area get larger?

7 A. Sure, the area was getting larger. The
8 more you was dumping, the bigger the place was
9 getting, the more you was filling it had to get
10 larger.

11 Q. Did that area tend to move back into
12 the trees?

13 A. Sure, it went back into the trees.

14 Q. As the area expanded, did Fritz have to
15 cut down trees or bulldoze trees?

16 A. No, bulldozed them over. It was all
17 trees down in there. He just pushed over the top
18 of them and covered them up.

19 Q. So would it be accurate to say that as
20 the years went by and the area of dumping
21 expanded, he would push out into the trees and

1 knock them down?

2 A. No, no, no. You went in there and you
3 kept pushing out, you went over the top of the
4 trees. You kept pushing out until you got to
5 where the stop line was. You kept working back
6 and forwards, bringing it up to your level. You
7 just didn't push out and go to wherever you
8 wanted and stop. You went in levels.

9 Q. As the years went by, did Fritz
10 gradually move into the trees? Did he gradually
11 knock over more and more trees?

12 A. He went out to the property line,
13 wherever the property line was. I guess that is
14 where the property line was or whatever it was.
15 He went to the property line and stopped.

16 Now, wherever Al showed him or whoever
17 showed him where the property line was or
18 wherever he knowed where to stop, that is where
19 he stopped. I don't think he went over on top of
20 them railroad cars or anything like that. He
21 stopped at the bottom of the hill.

1 Q. I take it you couldn't say if he was
2 moving southward over the years or westward?

3 A. No, I don't know whether it was north
4 or south or east or west or whatever way he was
5 going.

6 Q. During the period when all the Robb
7 Tyler landfills were closed, that is the period
8 when Smitty was there, did the area expand more
9 rapidly, the dumping area?

10 A. Sure it did. Common sense will tell
11 you that.

12 Q. I'm just trying to confirm common
13 sense.

14 A. Okay. You know if you have three times
15 as much trash going in the landfill, you are
16 going to fill in three times as much, ain't you?
17 Man, don't ask no questions like that.

18 Q. Sometimes I have to ask the obvious
19 questions just to make sure we all understand.

20 This morning, you were asked questions
21 about General Motors and I believe you said that

1 you didn't go to General Motors until you went to
2 work for Robb Tyler?

3 A. Right.

4 Q. And the reason for that was you
5 couldn't go to General Motors when you worked in
6 the union?

7 A. I was not a union man. You couldn't go
8 in General Motors unless you had a union card in
9 your pocket.

10 Q. What union did you join?

11 A. 311 Teamsters.

12 Q. Were only Teamsters allowed in the
13 General Motors plants?

14 A. No, they wasn't the only ones allowed
15 in there. But if you went in there with a load
16 of freight and one of the shop stewards came up
17 to you and said let me see your union card, you
18 would be sent back with that load of freight
19 because you weren't allowed in there. But it's
20 changed now. Nonunion trucks can go in there or
21 union or what. But years ago you could not do

1 that.

2 Q. Could you you go into the General
3 Motors plant if you were a member of some other
4 union other than Teamsters?

5 A. As long as you were a union you could
6 go anywhere.

7 Q. So it didn't matter which union card?

8 A. No, as long as you were a member of a
9 union.

10 Q. Was Michael Cefaloni in a union?

11 A. No.

12 Q. Could he go in the General Motors
13 plant?

14 A. No.

15 Q. Do you think he ever went into the
16 General Motors plant?

17 A. No, unless he snuck in there and nobody
18 caught him, because I was working down at the
19 disposal plant with Robb Tyler's truck and I went
20 in there and the man that you asked me if I
21 knowed, Bohager. It just dawned on me Bohager's

1 truck was in there. Robb Tyler was strict
2 union.

3 We went in there to pick up a load and
4 the guy come over to me and as soon as I pulled
5 in there, he opened my door and said I want to
6 see your union card. I said, you ain't getting
7 my union card. I said, go see that man over
8 there in that red truck. I said he's nonunion
9 and I'm union.

10 I showed him my load. He went over and
11 made him dump the load back off again and get
12 without an empty truck. He had to dump the load
13 off on the ground because they wouldn't let him
14 out.

15 Q. What plant was there?

16 A. Baltimore City disposal plant.

17 Q. So the Bohager driver sneaked in?

18 A. He snuck in and got caught.

19 General Motors is a strict company,
20 real strict. I hauled out of there, I know.
21 They have strict rules.

1 Q. I take it they were very strict on this
2 union situation?

3 A. They why to a certain extent, not their
4 company employees or their guard service but
5 radicals that was in there.

6 I hauled down to General Motors
7 approximately four or five years for Robb Tyler.
8 And I have been approached every which way but
9 the right way down General Motors.

10 Q. About being a member of the union?

11 A. No, about taking stuff off. My answer
12 was get away from me or I will call the guard.

13 You don't know what I'm talking about,
14 do you?

15 MR. BECK: Go ahead and tell him.

16 Q. Someone asked you some questions this
17 morning about whether Fritz had his own
18 customers?

19 A. To my knowledge, I don't know. Maybe
20 he might have had a couple, if he did, but most
21 of his work was Robb Tyler's work. I think he

1 had Crosse & Blackwell was one of his little
2 customers where John worked. John Miller worked
3 over there and they made soup, jelly and whatever
4 they made over there. They didn't make nothing
5 that would hurt you.

6 Q. This morning I believe you said Western
7 Electric was a customer of Fritz's, is that
8 correct?

9 MR. SCHALLER: Objection.

10 A. Yes.

11 Q. Can you tell me when Western Electric
12 was a customer of Fritz's?

13 A. I don't know.

14 Q. Was it when you were working for
15 Fritz?

16 A. Yes, when I was working for him. I
17 don't know. You got me on dates again. I don't
18 know when the dates was, but I did haul out of
19 Western Electric with one of Fritz's trucks for
20 Fritz. But now that was hauled to Robb Tyler's
21 Landfill. We used to haul that to over there by

1 Robb Tyler's office, 68th Street.

2 We used to haul over there. Fritz
3 didn't have a landfill then. When we hauled
4 Western Electric material that went to Robb
5 Tyler's Landfill. We used to stop at the gate
6 and get a little ticket, I think he charged you
7 \$2 or \$3 a load to dump it.

8 Q. I'm confused. You said Fritz didn't
9 have a landfill, did you say that?

10 A. At the time that we had Western
11 Electric.

12 Q. Would this have been during that first
13 period during the late 1940's, is that what you
14 are referring to?

15 A. It could have been. It could have
16 been. He took over Western Electric when they
17 done away with their trucks. Western Electric
18 stopped using their own trucks and they turned it
19 over to him and he bought three trucks and he was
20 hauling it hisself to Robb Tyler's landfill.

21 Q. But you are talking about Fritz and not

1 your father?

2 A. Not my father, Fritz.

3 Q. That situation caused Fritz to buy
4 three or four trucks?

5 A. Yes, when he took that contract over.

6 Q. Was that the start of an increase in
7 Fritz's business to buy those trucks?

8 A. No. That was when he first started
9 off. My father had that little old business
10 going there. It wasn't doing nothing. Fritz had
11 got into a different business, hauling trash and
12 just struck it lucky and got that contract and I
13 think it lasted four years and then Robb Tyler
14 took it away from him.

15 Q. So after Fritz took over from your
16 father; it was after Fritz took over from your
17 father that Fritz got the contract with Western
18 Electric?

19 A. Right. Then he hauled it to Robb
20 Tyler's Landfill. That was over at Quad Avenue.

21 Then Robb Tyler underbid him some way

1 and took it away from him. Then he went into the
2 landfill business.

3 Q. During that period when Fritz first got
4 the Western Electric contract, did Fritz have a
5 landfill?

6 A. No.

7 Q. I don't understand. I thought that
8 Fritz had his own landfill after he took over
9 from your father?

10 A. He took over the business from his
11 father but he didn't own all the ground that Al
12 Landay owned. What I'm saying is my father had
13 the little piece out in front. My brother, you
14 couldn't dump on Al Landay's ground because you
15 would go to jail.

16 So then after him and Al Landay must
17 have went into the trash business, the dumping
18 business, Al Landay was going to fill that piece
19 of ground, that is when Fritz went into the
20 dumping business, but all the stuff that he
21 hailed before that, he used to haul it to Robb

1 Tyler's Landfill.

2 Q. So there was a period of time after
3 Fritz took over from your father that he had not
4 yet started up his landfill?

5 A. Right, he never started his landfill.
6 He was in the trucking business hauling trash to
7 Robb Tyler's.

8 Q. Was that a period of several years?

9 A. Give or take, I don't know how many
10 years it was, but that is the way he started.

11 Q. When you started to work for Fritz, had
12 Fritz started his landfill yet at that time?

13 A. No. We was hauling to Robb Tyler's
14 Landfill. It was on Quad Avenue and 66th
15 Street. We come in off of Pulaski Highway and
16 then we come in off of Quad Avenue.

17 Q. Can you tell me how long after you
18 started working for Fritz it was that Fritz began
19 landfilling?

20 A. About four years, after he lost his
21 contract with Western Electric, that is when he

1 went into the landfill business.

2 Q. Was there some cause and effect there?
3 Was it because he lost the contract with Western
4 Electric?

5 A. He had to do something so he went into
6 another operation.

7 Q. As you recall it, those events were
8 connected, the one caused the other because he
9 lost the contract with Western Electric?

10 A. Yes.

11 Q. At that time, did he go to Al Landay
12 and say I have got to change operations?

13 A. I guess so. I guess that is what he
14 done.

15 Q. And I take it you were working for
16 Fritz at that time?

17 A. I was working for him at the time.

18 Q. At the time that Fritz started the
19 landfill?

20 A. Right. That is when after he lost
21 Western Electric, he bought different trucks and

1 I went to work with his trucks for Robb Tyler
2 hauling his containers.

3 Q. Did Fritz talk to you about starting up
4 the landfill?

5 A. No. Just as he had a hard head, just
6 as he told me, I made my own business and I will
7 do what I want with my own business and I don't
8 need nobody to talk to. That is what he would
9 tell you.

10 Q. But it was your impression that he had
11 some sort of discussion with Al Landay?

12 A. I don't know what he did with Al
13 Landay. That is him and Al Landay. All I know
14 is he started hauling demolition in there.

15 Q. Prior to that time, was it your
16 impression that Al Landay prohibited Fritz from
17 landfilling?

18 A. Prohibited?

19 Q. Told him not to?

20 A. Told him not to or told him to go
21 ahead? What are you stating?

1 Q. Well, I'm wondering before Fritz
2 started landfilling, was it your impression that
3 Mr. Landay told him he shouldn't landfill?

4 A. I don't know.

5 Q. Was it your impression that Mr. Landay
6 gave him the okay to start landfilling?

7 A. I imagine he gave him the okay because
8 he wouldn't have wanted to go in there and dump
9 on Al Landay's ground without permission.

10 Q. So it is your impression that Mr.
11 Landay had to okay?

12 A. Sure, he would have to. You can't go
13 into someone else's land and start landfilling.

14 Q. And why do you think Mr. Landay let him
15 do that?

16 A. To fill that piece of ground in so he
17 could make a beautiful spot out of it. It is a
18 nice spot out there now, ain't it, towards what
19 it used to be about 30 or 40 feet deep. Who is
20 going to build a building on a piece of ground in
21 a hole?

1 Q. So before the landfilling started, it
2 was a hole?

3 A. It was a hole down in the ground.

4 Q. So when Fritz started filling he filled
5 up the hole?

6 A. Yes, and now it is a nice piece of
7 ground. There is a building built on it.

8 Q. What building are you referring to?

9 A. That one where all them big containers
10 is. I don't know what it is there.

11 Q. When Fritz started landfilling, is that
12 when Mr. Landay started coming out and --

13 A. I don't know. I didn't see Al around
14 in them days. He only came around when Robb
15 Tyler was up there.

16 Q. When Western Electric was still a
17 customer of Fritz's, Fritz was using Fritz's
18 trucks to haul from Western Electric?

19 A. Yes.

20 Q. Whose containers was he hauling?

21 A. Whose containers. I told you before he

1 didn't have no container trucks. He had trash
2 trucks to haul Western Electric. And when he
3 turned around and lost Western Electric, that is
4 when he bought container trucks.

5 Q. So when he was going to Western
6 Electric, he would drive an open truck?

7 A. An open dump truck down there and haul
8 it out. When he lost it he went to these big
9 open-top 30-yarders. That is when I was driving
10 for him. I used to go to Western Electric and
11 pick up the big open-top containers and take them
12 to the dump for Robb Tyler.

13 Q. So when Fritz went to Western, he
14 brought an open truck and someone filled it up
15 with trash?

16 A. Right, you load it by hand.

17 Q. So you are telling us that Fritz bought
18 container trucks?

19 A. He bought the truck and the rig. He
20 did not own the container. Robb Tyler owned the
21 container. Do you know what a truck, a rig is?

1 Q. Yes.

2 A. Have you ever seen one?

3 Q. Yes.

4 A. You buy the rigs and the truck and then
5 you can pull anybody's container with it. But
6 now they are different. There are new type
7 trucks now. Some of them are cable-rigged and
8 some is hydraulic. The one that Fritz had was a
9 hydraulic rig.

10 A hydraulic won't pull a cable rig and
11 the cable won't pull the hydraulic rig. There
12 are two different types now.

13 Q. When was Crosse & Blackwell a customer
14 of Fritz's?

15 A. Don't ask me that. That has been back
16 40 years ago or 30 years ago.

17 Q. Can you try and remember anything else
18 you can about companies that were Fritz's own
19 customers at any time?

20 A. That is about all I know he had was
21 each customer was Crosse & Blackwell.

1 Q. What about Container Corp.?

2 A. Container?

3 Q. Do you know of a company named
4 Container Corp.?

5 A. Yes, over on Eastern Avenue, Container
6 Corporation of America.

7 Q. Do you know if they were ever a
8 customer of Fritz's?

9 A. I think they were in later years?

10 Q. Would this be the time when Fritz had
11 the container trucks?

12 A. The big container, I don't know. I
13 never did pull that stuff. I never pulled it. I
14 never hauled it.

15 Q. But I take it you have some
16 recollection that Container Corp. was a customer
17 of Fritz's?

18 A. It could have been, but now in the last
19 years here, I think he did have Container
20 Corporation. In the last years he did have
21 Container Corporation, but back with the

1 landfill, I don't think he had Container
2 Corporation, I will tell you the truth.

3 Q. I'm not sure which periods you are
4 referring to.

5 A. When I was hauling for Robb Tyler with
6 his trucks, I would say that was in 1958 or '55
7 or something like that when he switched over and
8 got the trucks when he shut the landfill down.

9 Q. I'm not sure we know who he is?

10 A. My brother.

11 Q. When he shut down on Kane Street and
12 bought the trucks, I think he hauled that there
13 to Robb Tyler's landfill, Container Corporation
14 was going to Norris' Farm, I don't know when he
15 got that stop or what. I don't recall anything
16 about a Container Corporation or when he did take
17 that stop over or how they disposed of the trash
18 or what.

19 But I know in the last years before he
20 passed away, he did have Container Corporation.
21 But when he got it, I know he was hauling to

1 Norris' Landfill.

2 Q. I want to focus on the period when your
3 brother was still operating on Mr. Landay's
4 property before Norris Farms opened, during that
5 period before Norris Farms opened. Can you tell
6 me what your best recollection is about Container
7 Corp. and whether it was a customer of Fritz's.

8 A. I don't think he had them as to the
9 best of my knowledge. I don't think he had
10 Container Corporation. I could be wrong, but I'm
11 telling you I don't think he had them.

12 Q. What about Standard Oil?

13 A. He never hired no Standard Oil. I can
14 tell you that right now.

15 Q. Standard Oil, Esso, I think today it is
16 called Exxon?

17 A. Exxon down on Clinton Street, no.

18 Q. I'm not sure which street it's on.

19 A. He never hauled Standard Oil. Now,
20 Robb Tyler had that stop because I used to pull
21 it when I worked for Robb Tyler. He had two big

1 containers in there. They was Robb Tyler
2 containers.

3 Q. Mr. Sauer, the reason I'm asking you
4 about these companies is that other people have
5 told us that these people were customers of
6 Fritz's when he was operating his landfill.

7 A. Let's revise this now. Are you talking
8 about hauling trash or dumping trash? What one
9 are you talking about?

10 Q. Well, people have told us --

11 A. You tell me what they told you and you
12 tell me what you are talking about, hauling or
13 dumping. What one are you talking about?

14 Q. I will tell you exactly what they
15 said.

16 A. All right, let me hear it.

17 Q. Do you know Lawrence Jendras, Larry.

18 A. Lawrence Jendras, never heard of him.

19 Q. Larry Jendras?

20 A. Yes, he works for Robb Tyler's.

21 Q. He made an affidavit that said

1 "Standard Oil was a customer of Sauer's. I saw
2 Sauer containers on the Standard Oil property."
3 Can you tell me anything about that?

4 A. You got me. I don't know where he seen
5 any containers on their property. I don't know,
6 to tell you the truth. That is it. But I know
7 that I'm telling you the truth that Robb Tyler
8 had containers in Esso Standard Oil on Clinton
9 Street and I hauled them out of there with a huge
10 haul.

11 Q. I think we also understand that
12 Standard Oil was a customer of Robb Tyler's?

13 A. Right. But there are no saying that
14 Fritz had those. I know when I worked for Robb
15 Tyler, I pulled Standard Oil, Esso Standard Oil.
16 They had one at the yard over there where they
17 used to can the oil.

18 There used to be cans of oil where they
19 canned the oil. They had a container there.
20 Then over at the other building right off of
21 Clinton and Boston Street, it is a tire shop

1 there where all the old tires, you put the old
2 tires in this big container. That was Robb
3 Tyler's stop.

4 Q. The places that you just described are
5 places you went to when you worked for Robb
6 Tyler?

7 A. Right. You didn't go in no Standard
8 Oil. That was too big of a contract. He
9 couldn't take that over from Robb Tyler.

10 Q. Is it possible that Robb Tyler hauled
11 some things and Fritz was hauling other things?

12 A. No. It is possible what you are saying
13 there is they had some Dumpster cans. It is
14 possible that Michael Cefaloni went in there and
15 hold them. We known him as the guinea. He is
16 Italian. The guinea could have went in there and
17 was pulling them little Dumpster cans for Robb
18 Tyler. It was a small container and that is
19 where they would come in at, but it was a Robb
20 Tyler stop.

21 Q. Do you know if Michael Cefaloni had

1 ever done that?

2 A. He went all over this town. They had
3 containers all over this town. You are talking
4 about 10,000 containers and that ain't just one
5 container, buddy, that's a lot of containers all
6 over this town. I knowed every stop they had. I
7 worked for that company.

8 Q. So are you saying that it is possible
9 that Cefaloni was going for Standard Oil?

10 A. It possible he was hauling containers
11 out of there. Like General Motors. I can tell
12 you how many they had in General Motors
13 containers.

14 Q. When Cefaloni, whose containers would
15 those have been?

16 A. Robb Tyler's.

17 Q. Do you know Andrew Ragsdale?

18 A. Yes, I know Ragsdale. He is a front
19 loader driver.

20 Q. He also made an affidavit that says,
21 "Standard Oil was a customer of Sauer's. I saw

1 Sauer containers on Standard Oil Company?

2 A. Well, if he's seen them on there I'd
3 like to know where they came from.

4 Q. Do you have any idea why he might say
5 that?

6 A. No, I don't. I don't know unless they
7 seen Mike hauling them.

8 Q. Larry Jendras testified that he saw
9 Michael Cefaloni at Standard Oil?

10 A. Well, I can testify that I turned
11 around and hauled out of there and I can take you
12 down there and show you where them containers
13 was.

14 Q. I might ask you about that in a
15 moment.

16 A. And if I ain't mistaken, I don't think
17 Robb Tyler has got that stop anymore. Some other
18 green containers is sitting out there. You can
19 see it right off the road, right off Clinton
20 Street. I think it's called the Atlas Tire
21 Company is in there.

1 It belongs to Esso but all their
2 automobile batteries, tires and all that come
3 through that building and they are distributed
4 through their gas stations, and you will see this
5 trash container sitting right out there in the
6 front of that building right off of Boston
7 Street, Boston and Clinton. Look in that fence
8 and you will see their cans sitting there.

9 Q. Mr. Sauer, I'm not trying to contradict
10 you. I'm just trying to find out how these facts
11 fit together. We took Michael Cefaloni's
12 deposition and he talked about Standard Oil, and
13 I want to read you a little bit of what he said
14 and maybe you can tell me if you can tell us
15 anything about these things.

16 I'm going to read a section of the
17 transcript of Michael Cefaloni's deposition. It
18 starts on page 597 at line 2 and continues to
19 page 598 at line 12. This will take me a couple
20 of minutes to read.

21 A. I will listen to anything you have to

1 say.

2 MS. DOANE: I'd like to raise an
3 objection to the reading of Cefaloni's
4 testimony.

5 Q. "Question: Where was Standard Oil
6 located?

7 "Answer: Boston and O'Donnell Street.

8 "Question: What type of container did
9 you say it was?

10 "Answer: 10-yarders, 10-yard
11 Dumpsters.

12 "Question: How many 10-yard Dumpsters
13 did they have there?

14 "Answer: I only had the one that I had
15 in there. North Point Trash had it in there, one
16 yard, one 10-yarder.

17 "Question: Over what period of time
18 did you pick up from Standard Oil?

19 "Answer: I picked up there in 1968.
20 Mr. Sauers himself would go pick that up because
21 he used to get his oil cheaper from them and all

1 for buying drums of oil from them for his trucks
2 and stuff like that.

3 "Question: You started picking up
4 there in 1968?

5 "Answer: No, he did.

6 "Question: When did you start?

7 "Answer: I started maybe around '62,
8 '63, something like that. I only had one
9 container in there, that was his container.

10 "Question: When did you stop picking
11 up there?

12 "Answer: I stopped in about the last
13 part of '68.

14 "Question: Then Mr. Sauers took over
15 that?

16 "Answer: He picked up his own, yes.

17 "Question: Do you know how long Mr.
18 Sauers continued to pick up at Standard Oil?

19 "Answer: I guess around '75 I think he
20 picked up. He picked up in there around 1975."

21 Can you tell me if you know about any

1 of those things?

2 A. No, I don't, unless they were using a
3 Robb Tyler container with Fritz's name on the
4 side of it, but I don't recall him being in
5 Standard Oil, and I will tell you what, he said
6 on O'Donnell --

7 Q. He said Boston and O'Donnell. I
8 believe those streets are parallel?

9 A. They are together. They run side by
10 side.

11 Q. I have a map here and I would ask you
12 if you can show me the places you went. But
13 other than that --

14 A. You have not got right directions
15 here. Boston Street and O'Donnell run the same
16 way?

17 Q. I know.

18 A. And I think between Boston and
19 O'Donnell, there is no Standard Oil in there.
20 That is Crown Cork & Seal is in there.

21 Q. I have a map here, and in a second I

1 will ask you to show me the location that you
2 went to.

3 A. Okay.

4 Q. But other than that, for instance,
5 Michael Cefaloni --

6 A. I mean, it don't give a daggone to me
7 but if you are right you're right, but I know
8 that section down in there and you got the wrong
9 directions there somewhere.

10 Q. Other than the directions --

11 A. I don't see where he could have had a
12 container in there. Where would he have put it?
13 That is all Crown Cork & Seal in there. Go over
14 to the viaduct and look.

15 Q. Mr. Sauer, I'm not disagreeing with
16 you.

17 A. All right, okay.

18 Q. I'm simply trying to figure out what
19 this information means.

20 A. I am, too.

21 Q. When Michael Cefaloni testifies that

1 Mr. Sauers himself would go pick that up, can you
2 tell me anything about that?

3 A. Fritz didn't drive no truck.

4 Q. If I showed you a street map, could you
5 show me where you went to at Standard Oil?

6 MS. DOANE: Objection.

7 A. Yes, I can. I can tell you Standard
8 Oil and don't need a street map.

9 Q. It might help me if you could point on
10 a street map. I'm going to show the witness a
11 map and if it proves helpful, I will mark it as
12 an exhibit.

13 (Document proffered.)

14 Q. Mr. Sauer, I'm showing you a map. Let
15 me point out some streets on here to help both
16 you and me get oriented. I'm pointing now to
17 Bayview Avenue and I'm pointing --

18 A. Bayview Avenue ain't nowhere down
19 there. That is City Hospital. You are talking
20 about down in this section.

21 Q. Just so we can get oriented.

1 A. Lever Brothers is here.

2 Q. I believe this that I'm pointing to now
3 is North Point.

4 A. You are talking about Standard Oil
5 now.

6 Q. Sure.

7 A. Are you talking about Boston and
8 O'Donnell Street?

9 Q. Can you locate Fritz Sauer's dump on
10 this map? Can you point to that for me?

11 A. No.

12 Q. Is this Kane Street?

13 A. That is Erdman Avenue. That is Erdman
14 Avenue. That says Erdman Avenue there.

15 Q. So I take it you can't look at this
16 map. Do you see Patterson High School here?

17 A. Oh, yes, City Hospital.

18 Q. I believe north is to the top as you
19 are looking at it now.

20 A. Where would it be in there?

21 Q. I'm pointing now to Pulaski Highway?

1 A. Pulaski Highway goes way over here.
2 That ain't the question you asked me where this
3 dump is at. You asked me where Standard Oil was
4 at.

5 Q. But I thought just to get us
6 oriented --

7 A. I ain't worried about where the dump
8 is. I'm worried about where Standard Oil is.
9 Here is Standard Oil right here.

10 Q. You are pointing to the words Standard
11 Oil that are written on this map.

12 A. Yes.

13 Q. Can you recognize the streets that you
14 drove on when you went to Standard Oil?

15 A. Yes.

16 MS. DOANE: Objection. The witness has
17 never testified that he went to Standard Oil.

18 Q. Mr. Sauer, did you ever go to Standard
19 Oil?

20 A. Yes, I went to Standard Oil.

21 Q. Here is Boston Street.

1 A. Here is what you are saying now. Here
2 is O'Donnell Street. O'Donnell Street is going
3 through, right. This is Boston Street going up,
4 going around.

5 Q. Yes.

6 A. This goes out across O'Donnell Street.
7 You show me where Standard Oil is in between
8 here.

9 Q. Where is the --

10 A. Where is Standard Oil between O'Donnell
11 Street and Boston Street? You show me Standard
12 Oil in there. Standard Oil is on this side of
13 Boston Street, all along Boston Street, but it is
14 nowhere between them two streets.

15 Q. When you went to Standard Oil, what
16 street were you on when you turned into Standard
17 Oil?

18 A. On Boston Street, if I didn't have to
19 go over under the low bridge down there on Boston
20 Street, the little low railroad bridge. You
21 either went up Haven Street to Boston Street to

1 Clinton Street, down Clinton Street, and there
2 was Standard Oil on the left-hand side, one
3 container.

4 Across the street when you went down
5 Boston Street was another container on the
6 right-hand side where the pipes went overhead.

7 Q. Do you know what cross street on Boston
8 Street --

9 A. What?

10 Q. The place that you would go to at
11 Standard Oil on Boston Street, do you remember
12 what cross street that was near?

13 A. What cross street?

14 Q. Yes, you mentioned Haven.

15 A. I said you could come up Haven Street
16 to Boston Street, up Boston Street to Clinton
17 Street. Clinton and Boston Street is Standard
18 Oil was on it. On the left-hand side is all
19 along there where they load the truck docks where
20 the oil and gas is loaded, that is Standard Oil.

21 You go all the way to the other end,

1 that is Boston Street. That is Clinton Street.
2 You make a left on Clinton Street. You go down
3 and there used to be oil loading docks over there
4 where they unload the ships. It's still there.

5 Q. Mr. Sauer, I think I found on the map
6 what you just referred to. Do you see Boston
7 Street here?

8 A. Yes.

9 Q. And I believe on the map it indicates
10 Clinton Street right here.

11 A. Yes, that goes all the way to the
12 water. This is all water over here. This is
13 where the ships come in.

14 Q. Can you see the place that you went to
15 at Standard Oil? Can you make a mark on the
16 map?

17 A. I'm not too familiar with this map you
18 have got here.

19 (Perusing.)

20 MS. DOANE: What is the date of this
21 map?

1 THE WITNESS: I don't know.

2 Q. Mr. Sauer, maybe we can --

3 A. I will tell you where I was at right
4 now. Wait until I get my bearings here.

5 (Perusing.) All right. This is
6 Clinton Street going up here. Watch what I'm
7 showing you. It goes all the way up. Over here
8 is Standard Oil Company, that used to be a
9 canning department in there. They used to can
10 the oil right there. In the back of this, the
11 ships are coming in and unloading at Standard
12 Oil.

13 Now you listen. Wait and I will tell
14 you. Across the street where this little
15 building is here, see where this block is right
16 here on Boston Street, there is a red light
17 here. You go up to Boston Street and you make a
18 right.

19 Right over in here is another little
20 brand new building they just built here. Right
21 in the front of here there is a vacant lot.

1 There is a container sitting right there. There
2 is where I picked up.

3 Q. If I give you my pen, can you draw a
4 circle where the container is that you just
5 referred to?

6 A. I will show you where the container
7 is. It should be right here. This container
8 should be sitting right here in front of this
9 building. Down here on Clinton Street, I don't
10 know approximately how far, there was another
11 container and some pipes go across this road
12 here.

13 Q. Could you put an X in the first place?

14 A. It should have been a container there,
15 give or take now. I'm not going to tell you that
16 is the correct spot.

17 Q. Could you make that X a little bit
18 darker just so we can find it when we copy this
19 exhibit?

20 A. Yes.

21 Q. Now, the place that you just made an X,

1 was there another place? Could you put a
2 circle?

3 A. That is what I'm looking for, right
4 here.

5 Q. Could you make circle. You made
6 another X. Could you draw a circle around that
7 X? Could you make that a little bit darker so we
8 can see it when we copy that map? Could you make
9 that circle darker, too, please?

10 A. I will make the whole thing a circle.

11 MS. CASANO: I have got colored
12 markers.

13 A. That is where I picked these containers
14 up for Esso Standard Oil.

15 Q. Now, you placed an X on the map about a
16 quarter of an inch across and you made an ink
17 circle?

18 A. I will make another circle here for
19 you.

20 Q. No, no. We don't want another circle.
21 Can you tell me the place that you

1 placed the X, can you tell me when you went
2 there?

3 A. What do you mean when I went there? Do
4 you mean what day?

5 Q. What years.

6 A. Oh, man, you are asking a question out
7 of the world.

8 Q. Was it when you worked for Robb Tyler?

9 A. When I worked for Robb Tyler, I told
10 you that was a Robb Tyler stop. That was not
11 Fritz's stop. That was Robb Tyler's stop.

12 Q. Can you tell me what you picked up when
13 you went there?

14 A. I picked up the container.

15 Q. Can you tell me what kind of
16 container?

17 A. An open-top 30-yarder.

18 Q. Can you tell me anything about what
19 types of materials were in that container?

20 A. I don't know what was in it. I told
21 you before I did not load the containers. They

1 loaded it.

2 Q. The place that you have marked the
3 circle, did you also go there when you worked for
4 Robb Tyler?

5 A. Two containers were in that Esso
6 Standard Oil.

7 Q. Two containers?

8 A. I told you two 30-yarders. One was
9 where they canned the oil and one was where the
10 old tires that you -- say you bust a tire. You
11 take it back to the Atlas people or Esso. They
12 send it back. The people adjust it and throw it
13 in the container and throw it away.

14 That is what you picked up in them
15 containers. The other place was when they
16 damaged a can of oil or something, they drained
17 it out and they throwed the empty can in that
18 container. That is what was in them containers.

19 Q. So the two containers, one contained
20 tires and one contained oil cans?

21 A. Yes, approximately to the best of my

1 knowledge. Esso didn't throw no motor oil away,
2 I can tell you that.

3 Q. Were these quart cans?

4 A. Quart cans, empty cartons, paper
5 cartons, office trash, you name it, whatever they
6 dropped in the container. They used to dump it
7 with a rotor hopper. Do you know what a hopper
8 is?

9 Q. No, I don't.

10 A. It is a big hopper, you set it down on
11 the ground and pick it up with trash. You pick
12 it up with the truck and you pull up and it tilts
13 like that and it dumps and you take it back over
14 there and set it under the machine.

15 Q. The oil cans that you mentioned, why
16 had they been emptied?

17 A. Because it was busted. The machine had
18 busted them. It's like a can of soup or string
19 beans or anything. If it goes through the
20 machine and it damages it, they kick it out. The
21 same thing with these oil cans. That is where

1 they canned the oil.

2 Q. Were they broken in the process of
3 being filled?

4 A. Yes, and they threw them away.

5 Q. Would there still be some oil in the
6 cans?

7 A. Not to the best of my knowledge, I
8 don't think so. They drained them. They used to
9 go across a screen and drain them because I went
10 in there one time and watched what they was
11 doing.

12 Q. Can you describe that for me?

13 A. They set them on the screen and let
14 them drain and they go in the pit and go back
15 down and pump the oil back up and put it back in
16 another can.

17 MS. DOANE: Objection.

18 Q. And then after draining, those cans
19 would be placed --

20 MS. DOANE: Objection.

21 Q. After draining would those cans be

1 placed in the container that you picked up?

2 MS. DOANE: Objection.

3 A. Yes.

4 MR. GRUMMER: I'd like to ask the
5 reporter to mark this map as an exhibit. I'm not
6 sure what system.

7 THE WITNESS: How old is this map?

8 MR. GRUMMER: This map has the date
9 1970 written down in the corner.

10 THE WITNESS: 1970?

11 MR. GRUMMER: Yes. Down.

12 MS. DOANE: I object.

13 MR. GRUMMER: I'd like to ask the
14 reporter to mark this map as Sauer Exhibit 1.

15 (Whereupon, Sauer Deposition
16 Exhibit No. 1, map, marked.)

17 (Discussion off the record.)

18 (Break taken.)

19 Q. Mr. Sauer, during the break you
20 indicated you wanted to tell me something.

21 A. You told me that he had that container

1 in there and we used Esso oil. We didn't use no
2 Esso oil. Esso oil comes in a red and a white
3 barrel. We used Drydene oil on Haven Street is
4 Drydene Oil Company. How I remember that is when
5 we got a barrel of oil one time, the guy that
6 filled the barrel of oil forgot. It was
7 hydromatic oil in that barrel, and half motor
8 oil, and he sent the barrel through and I blowed
9 a brand new diesel engine up with it and Drydene
10 Oil Company came out and paid for the engine. So
11 we didn't get no oil off Esso.

12 Q. When you say we didn't get any oil --

13 A. My brother or me or whatever it was,
14 the man used to bring the oil barrel and I would
15 sign for it.

16 Q. What you just described for me, were
17 you trying to explain something about what
18 Michael Cefaloni said?

19 A. I don't know what he told you, but I'm
20 telling you that when I drove for him, Michael
21 Cefaloni did not use Esso oil and I did not use

1 it. I used Drydene oil from the place on Cresson
2 Street, a little place behind a hole back up in
3 there off of Lombard Street. Dorlene or Drydene
4 or something it is called. It comes in a yellow
5 barrel.

6 Q. Are you talking about where Fritz Sauer
7 got his crankcase oil?

8 A. That is right, motor oil, crank oil,
9 transmission oil, final oil. It comes from
10 Drydene, not Esso oil in red and white barrel.
11 Nobody used Esso oil. Even Robb Tyler didn't use
12 it. They used Drydene oil. It was a better
13 oil.

14 MS. DOANE: I object.

15 A. It had a guarantee with it. Their oil
16 had a guarantee. If anything went wrong with
17 that engine due to their oil, they would replace
18 the engine and they did back it up and put a new
19 engine in that truck. And that is when you
20 talked to me about that container, I know ain't
21 no oil came from no Esso. You just forget about

1 that one.

2 Q. So I think what you just told me --

3 A. You got misled somewhere along the
4 line.

5 Q. So what you just described to me is
6 where Fritz got his motor oil to use in his
7 trucks?

8 A. Right, the man used to bring it on the
9 truck.

10 Q. Before the break we were talking about
11 the two containers --

12 A. At Esso.

13 Q. -- that you picked up?

14 A. I picked them up when I worked for Robb
15 Tyler and the containers were there. I don't
16 know what trash company it is. I don't think he
17 has that stop anymore, but one container I can
18 see off of Boston and Clinton Street is still
19 sitting in that fence.

20 Q. You can still see it to day?

21 A. Yes, it's still sitting there, and when

1 I go home I will look at it.

2 Q. Whose is that container?

3 A. I don't know. It could be whatever
4 trash company it is. I think it is a green
5 container in there now. It is a green one. Robb
6 Tyler used to have all green containers but when
7 BFI bought them out, they went to all blue
8 containers.

9 Q. Did you pick up at that Standard Oil?

10 A. About twice a week, give or take twice
11 a week.

12 Q. Did you do that from the time you
13 started working for Robb Tyler? Were you picking
14 up at Standard Oil when you first started?

15 A. I think I picked it up for Robb Tyler
16 when I was working for Fritz too, both. When I
17 got hired at Robb Tyler's, I was classed as an
18 experienced man because I drove that type trucks
19 and I knowed where the stops was.

20 MS. DOANE: Move to strike.

21 Q. So you picked it up when you were

1 working for Fritz and when you were working
2 for --

3 A. Whenever there was a ticket in my slot
4 or whenever they gave me a ticket from Robb
5 Tyler, I picked it up and dumped it and took it
6 back.

7 Q. Where did you take it?

8 A. I took it to the landfill and dumped
9 it.

10 Q. Which landfill?

11 A. You are asking a million questions
12 now. It could have been Fritz's. It could have
13 been Quarantine Road. It could have been either
14 one of them. I can't say where I went with all
15 this stuff now because I run all over the city.

16 Q. Can you recall whether those containers
17 were closer to Fritz's Landfill or to Quad
18 Avenue?

19 A. Five blocks apart, the landfills was,
20 give or take, a half a mile apart.

21 Q. You are saying Fritz's Landfill and

1 Quad Avenue were a half a mile apart?

2 A. If they was that.

3 Q. So in that situation, what would
4 determine where you took those containers from
5 Standard Oil?

6 A. What would tell you where to go with
7 it?

8 Q. Yes.

9 A. It depends on what way you were
10 coming. If I left there and that was my last
11 stop and I was going home and lived in Rosedale,
12 that road went to Robb Tyler's Landfill because I
13 didn't have to fight North Point Road traffic. I
14 would go straight out Pulaski Highway, dump it,
15 take the truck home and put it in the back yard,
16 and the next morning be ready to roll again.

17 Q. In other cases would you take it to
18 Fritz's Landfill?

19 A. If I was into that section I would go
20 to that landfill with it.

21 Q. Are you pretty sure you took the

1 Standard Oil container to both landfills?

2 A. Possibility. I ain't going to say yes
3 and I ain't going to say no. It is a good
4 possibility it went to both of them, but just as
5 I tell you, it was nothing in it to hurt you.

6 Q. One of the 30-yard containers had tires
7 in it?

8 A. Yes.

9 Q. Do you know where those tires came
10 from?

11 A. Yes. If you bust a tire now, what do
12 you do with it and it's almost new?

13 Q. Where those tires that had been used on
14 trucks?

15 A. Cars.

16 Q. Had they been used on Standard Oil
17 trucks or were they customers?

18 A. No, I told you before, if you bust a
19 tire on your car and it's almost new, what do you
20 do? You take it back to the man you bought it
21 off of. He gives you an adjustment on it. He

1 sends it back to Standard Oil or Western Auto or
2 Sears or Ward's. They adjust it. They say give
3 the man a new tire and they throw it away. That
4 is what it was.

5 Q. Did Standard Oil manufacture tires?
6 Why did they come back to Standard Oil?

7 A. I don't know. I guess that is a
8 distributing house for Standard Oil there. They
9 have a lot of their Esso trailers that are back
10 up there, batteries or whatever, the gas stations
11 call for, they load in these trailers and he
12 delivers it.

13 Q. You mention batteries. Were there
14 other batteries in either of these containers?

15 A. No batteries. They had them piled up
16 outside on skids.

17 Q. The container that had tires, did it
18 hold just tires?

19 A. Tires, trash, whatever they had around
20 there they dumped in the containers.

21 Q. Were there a lot of tires in the

1 container?

2 A. Give or take. Sometimes it was a lot
3 and sometimes it wasn't. A lot of cardboard and
4 trash and stuff in the container, that is all.
5 What are you getting at?

6 MS. DOANE: That is what we would like
7 to know.

8 A. Tell me what you want to know and I
9 might be able to help you.

10 MS. DOANE: Objection.

11 Q. We are trying to find out what wastes
12 were taken to Sauer's Landfill. That is
13 basically what we are trying to find out and that
14 is why we are asking you all these questions.

15 A. Okay.

16 Q. So you were picking up at Standard Oil
17 when you worked for Fritz?

18 A. How many times do I have to tell you
19 that?

20 Q. I'm simply trying to ask --

21 A. I told you that I picked it up for

1 Fritz but it was a Robb Tyler stop.

2 Q. I understand that.

3 A. I had Fritz's truck and I had Robb
4 Tyler's truck. I worked for Fritz, I picked it
5 up and dumped it. When I quit Fritz I had Robb
6 Tyler's truck pick it up and dumped it. How many
7 more times I got to tell you?

8 Q. I want to ask you can you remember when
9 you started?

10 A. No, I don't know when I started. That
11 is like asking I don't know what.

12 Q. Do you know a company named Anchor
13 Post?

14 A. Fence company?

15 Q. Yes.

16 A. Anchor Post Fence, yes, made fence.

17 Q. Can you recall if you ever went there?

18 A. Sure, I hauled Anchor Post, too, took
19 it up Fritz's, and you put it on a pile and lit
20 it off. They load it from a clam bucket with a
21 crane and hauled it to the junkyard for scrap.

1 Q. What you just described is hauling
2 waste from Anchor Post?

3 A. What?

4 Q. You just described the waste you hauled
5 from Anchor Post?

6 A. I'm talking about trash, waste,
7 whatever you want to call it. It was waste. In
8 other words, whatever they swept off the floor,
9 whatever old fence they had or newspapers or
10 trash or office papers they dumped in the
11 container.

12 You took it down to Fritz's place and
13 dumped it in the crash. He lit it off the fire,
14 dumped all the paper off of it. They had a clam
15 bucket to set it on the truck and take it in and
16 sell it for scrap when there is nothing left.

17 Q. There was wire in the waste from Anchor
18 Post?

19 A. Wire waste, paper, trash, office paper
20 and stuff like that, but that was a load they use
21 to the take down and burn the paper out of it,

1 take the crane with the clam bucket, put it in
2 the container and take it in the junkyard and
3 sell it for scrap.

4 Q. Did you always haul the Anchor Post
5 waste to the Fritz's? Did you sometimes take it
6 to --

7 A. It went all over. It was mean on a
8 bulldozer, let me tell you. Ever get a roll of
9 fence wire hooked up in a bulldozer track?

10 Q. No, I haven't.

11 A. Well, you are talking about two days
12 cutting to get it out of there. I had one.

13 Q. Can you remember anything else in
14 Anchor Post waste?

15 A. Nothing. That is all he made, fence
16 wire for fence.

17 Q. Do you know if there was ever any
18 liquid waste?

19 A. No, not to my knowledge he didn't.

20 Q. Do you know if they used any paint or
21 thinner at Anchor Post?

1 A. No, they galvanized their wire. It was
2 all galvanized. You ain't never seen a painted
3 fence. It won't hold up. It's galvanized.

4 Q. So I take it you don't recall any drums
5 from Anchor Post?

6 A. Not that I know of.

7 Q. Do you know if Michael Cefaloni ever
8 picked up at Anchor Post?

9 A. No, that was a 30-yard open-top in
10 there that belonged to Robb Tyler. That was his
11 stop. Anchor Post was a Robb Tyler stop. They
12 ain't have no barrels in there. Where were they
13 going to get barrels at?

14 Q. Do you know if Fritz would ever go to
15 Anchor Post?

16 A. Yes, sometimes he would go to Anchor
17 Post and take the truck if I was off sick. He
18 would go take it and go pull the stops with it.
19 Sometimes Robb Tyler's driver would come over and
20 get my truck when I was off sick.

21 And if my truck broke down, I would go

1 over to Robb Tyler's and borrow a truck to
2 continue pulling a stop. They would lend him a
3 truck until I got mine fixed.

4 Q. So Fritz would substitute for you
5 sometimes?

6 A. Yes. There were only certain people
7 who knew how to drive them trucks. You could
8 turn yourself over if you didn't know what you
9 were doing.

10 Q. Which landfill was Anchor Post closer
11 to?

12 A. Fritz's Landfill.

13 Q. Was it just across the street from
14 Fritz's Landfill?

15 A. Right down the bottom of the hill.

16 Q. Do you know a company named O'Brien
17 Paint?

18 A. That rings a bell to me. Is that the
19 one on Haven Street or is that the one up at
20 Orangeville?

21 Q. Well, I'm just asking you if you recall

1 ever going to an O'Brien Paint?

2 A. O'Brien?

3 Q. O'Brien.

4 A. I don't know. I don't know. There are
5 some paint companies we had, but I don't know if
6 I hauled them. I will tell you the truth. That
7 name is familiar. That is probably paint I
8 brought at the hardware store or something,
9 O'Brien Paint. But I don't know if I hauled them
10 or not. I might have and I might not have. I
11 ain't going to tell you no lie.

12 Q. Do you remember a company named PORI,
13 P-O-R-I?

14 A. Where is it located?

15 Q. Well, it's one of the companies that I
16 want to ask you about.

17 A. Where is it located.

18 Q. I understand that there is a PORI
19 Company near Sauer's dump. Do you know of a
20 company named Palm Oil?

21 A. Yes. That was a front loader. That

1 was a front loader. That wasn't no big stuff.
2 That was a front loader, Palm Oil. I used to
3 dump that with a front loader. You run into it
4 with a U-fork and pick it up and dump it over.
5 That was a front loader. But I don't know who
6 you are talking about.

7 Q. Let me ask you about Palm Oil then.
8 Can you tell me where they were located?

9 A. Pulaski Highway and Cresson Street,
10 back in a hole, Palm Oil Company. They used to
11 have a little container back in there, front
12 loader, Robb Tyler's stop. I dumped that when I
13 worked for Robb Tyler.

14 Q. Were they located near a steel
15 company?

16 A. No, not the Palm Oil Company I'm
17 talking about. Palm Oil you are talking about
18 that makes the oil that you put in salads and
19 stuff?

20 Q. That does not sound like the Palm Oil
21 I'm thinking of.

1 A. I don't know who you are talking
2 about.

3 MR. GUTTER: Sparrows Point next to
4 Bethlehem Steel, Palm Oil Recovery Company.

5 A. No. No. I thought you were talking
6 about the Palm Oil that was up on Pulaski Highway
7 and Cresson Street that makes the oil for salad.

8 Q. No, we are talking about the one near
9 Sparrows Point?

10 A. No. No.

11 Q. You have told us today that you went to
12 both Fritz Sauer's Landfill and Robb Tyler's.
13 Can you tell me if it was 50-50 or you went to
14 one more than the other?

15 A. To the best of my knowledge, the
16 closest one and the fastest way to get that load
17 there and get it off and get back and get done.
18 It could have been either one. It depends on the
19 location I was in.

20 Q. You don't recall it being one more than
21 the other?

1 A. I don't know. You can't judge that.

2 Q. This morning you told us you picked up
3 your routing slip from the Robb Tyler dispatcher,
4 right? Is that correct?

5 A. Right, I picked up my work from there.
6 The routing slip, and work might be the same from
7 you, but your work comes on a little short paper
8 like this that comes out of a computer. You get
9 a whole slick of them, a whole stack of them.
10 You fold them out like an accordion and then you
11 have got customers' names, address, what type
12 container on it.

13 Q. Was that a computer printout?

14 A. I don't know if it was a computer
15 printout or typewriter or whatever it was.

16 Q. Was it on green paper with holes on the
17 side?

18 A. No, white paper with three copies. You
19 give the customer one copy. He signed it. You
20 gave him one copy and you took two back to the
21 office.

1 Q. That was your daily routine to go to
2 Robb Tyler's at the end of the day?

3 A. Yes, you had to go over there and get
4 your work.

5 Q. You picked up that work?

6 A. Right.

7 Q. Did anything change when you went to
8 work for Robb Tyler?

9 A. No, it was the same thing only with a
10 front loader sheet, it was something similar to
11 this. The front loader sheet was like this. It
12 had the name of the customer on the front of the
13 sheet, a whole sheet of customers on it.

14 And then it had the type container and
15 the location and as you went in there and picked
16 it up and dumped it with the front loader, you
17 checked it off, checkmark that you got him and
18 you just continued on, and you might have five or
19 ten sheets of paper there with 250 stops a day on
20 them trucks picking up. You start two in the
21 morning and get done eight, nine, 10 o'clock at

1 night. If you broke down you wouldn't get home.

2 Q. Mr. Sauer, I'm trying to figure out
3 what changed when you went to work for Robb
4 Tyler?

5 A. What do you mean? Nothing changed,
6 same paperwork, same truck driver, same
7 everything, same stops.

8 Q. I take it you had to join the union?

9 A. Yes, that made it better.

10 Q. And who was paying you when changed?

11 A. What?

12 Q. You had to join the union and you were
13 getting paid --

14 A. Getting more money.

15 Q. And that money was coming from Robb
16 Tyler instead of Fritz?

17 A. Right and I was accumulating a
18 retirement.

19 Q. And other than that, nothing changed?

20 A. Nothing changed. Today I got two years
21 to go and I could go out with a good retirement

1 through that union. If I had stayed with my
2 brother, I wouldn't have nothing but Social
3 Security. That is what made the change between
4 me and the wife.

5 Q. This morning you mentioned Noxell. Do
6 you know if their trash was ever taken between
7 Fritz's Landfill?

8 A. I don't know. I don't know where it
9 went.

10 MR. GRUMMER: I don't have any more
11 questions right now.

12 EXAMINATION BY MR. SCHALLER:

13 Q. Mr. Sauer, my name is Charles Schaller,
14 we represent Edward Azrael in this matter.
15 Again, we are trying to find out the same answers
16 that you have been asked here today. I just have
17 a few questions that pertain to Mr. Azrael
18 himself. Earlier you testified that you thought
19 you knew who Mr. Azrael was, is that correct?

20 A. Right.

21 Q. And could you describe Mr. Azrael for

1 me?

2 A. I'm going to tell you before I do any
3 describing. I'm going to tell you approximately
4 what I think he looks like. I think he is a
5 little short man with black hair. Now I don't
6 know. Now I seen the man one time, I think in Al
7 Landay's automobile or maybe twice I was in my
8 truck, and I do not know what the man looks
9 like. He could be in this office right now and I
10 wouldn't know him.

11 Q. So you don't know who Mr. Azrael is?

12 A. No, I do not know him. I have seen him
13 from a distance but I do not know who he is or
14 what he looks like.

15 Q. So you are not sure that Mr. Azrael was
16 lever there?

17 A. I cannot say. I'm not going to say he
18 was there. All I'm going by is what my brother
19 said. Senator Azrael was here with Al Landay. I
20 don't know the man from Adam. Now, if he was
21 there, he was there. If he wasn't there, I don't

1 know.

2 But I would fall over him if you told
3 me that was him, I wouldn't know. I have never
4 seen the man. I don't know who he is. I know Al
5 Landay.

6 Q. But you don't know Mr. Azrael?

7 A. No, I do not know that man.

8 Q. Okay. You have heard the name
9 Container Corp. here today?

10 A. Who?

11 Q. Container Corporation of America.

12 A. Yes.

13 Q. Do you know what they do?

14 A. I think they make cardboard boxes,
15 paper cardboard boxes, something like that, yes.

16 Q. Did you ever pick up at Container
17 Corp.'s facility?

18 A. Yes, I have picked up for my brother.

19 Q. And where did you take that material?

20 A. To Robb Tyler's Landfill.

21 Q. Which was located where?

1 A. No, I didn't take it there. Now, this
2 is lately now. I don't know when he had that
3 stop, but when he got sick within the last two
4 months before he had got sick he asked me to come
5 down in my spare time and haul to Cove Road
6 Container Corporation. We took it to Cove Road
7 out on Pulaski Highway.

8 I drove the truck out there. It was in
9 the evening. I would take off from my work to
10 help him out and take it out to Cove Road. What
11 is that called? It's out by the county landfill
12 on Allen Road. It's out there and in his last
13 months that he was fallen sick, I had drove for
14 him a couple of times, say four or five times, I
15 had dumped Container Corporation for him was the
16 only stop I think he had, the only business that
17 he had left.

18 And when he passed away, his daughter
19 gave Container Corporation to some trash
20 company. I told her to get rid of it, that I
21 could not handle it, and they gave it to some

1 other trash company to take care of it. I don't
2 know who. Days Cove Road it is called out on
3 Pulaski Highway is where he hired the Container
4 Corporation. That is where I hauled it out there
5 for him.

6 Q. Do you recall hauling Container Corp.
7 ever to Fritz's?

8 A. To North Point Road, Kane Street?

9 Q. Yes.

10 A. No, I don't. I do not recall taking it
11 there.

12 Q. Are you familiar with a corporation
13 called Armco?

14 A. Armco Steel, yes.

15 Q. Did you ever pick up waste from Armco?

16 A. No. What the heck did I pick up there
17 for Robb Tyler? I picked up dust over there.
18 Whatever they call it that catches all the dust
19 out of the air. They used to have a Dinosaur can
20 underneath there. We used to pick it up and haul
21 it down to Robb Tyler's Landfill. That is when I

1 worked for Robb Tyler, not for Fritz.

2 I took that to Robb Tyler's Landfill,
3 some sort of a dust that comes out of their
4 precipitators or whatever, I don't know what they
5 are called. You set this big container that had
6 like a rubber hose and all the dust it caught
7 would go down inside this container and it would
8 catch all the dust and they would put it in this
9 can and we would haul it to the landfill.

10 I remember that, Armco Steel. But that
11 is all we hauled out of Armco. We didn't haul
12 nothing else out of there was that dust can.
13 That was it.

14 Q. That is the best of your knowledge?

15 A. That is the best of my knowledge.

16 MR. SCHALLER: Okay, thank you. I'm
17 done.

18 EXAMINATION BY MR. GUTTER:

19 Q. How are you Mr. Sauer, my name is Sam
20 Gutter. I represent AT&T, formerly the Western
21 Electric Company, and I have got just a few

1 questions for you.

2 A. All right.

3 Q. I wanted to ask you a little bit more
4 about when you worked for your father until the
5 time that you were 17 or 18 years old when he ran
6 a burn landfill?

7 A. Right.

8 Q. Who owned the property?

9 A. He owned the property that he worked on
10 there.

11 Q. That was not property he leased from
12 somebody else?

13 A. No. The property that he owned is
14 where he worked on. And when my brother took
15 over, he got the property that my father had. My
16 father had had the property that he worked on
17 there on his own property. Then along came the
18 State or Al Landay came along. He bought my
19 father out and he owned it all.

20 Then the way I hear in terms of hearsay
21 or whatever it is, he went from my father's

1 ground back and brought all this ground back in
2 there where the landfill was. Al Landay bought
3 it all or owned it or however he got it, I don't
4 know.

5 Q. Do you happen to know who your father
6 bought it from?

7 A. Oh, man, you are talking about 50 or
8 100 years ago. I don't know that.

9 Q. Have you ever heard of a company called
10 Canton Company?

11 A. Canton Railroad?

12 Q. No, Canton Company, not the railroad?

13 A. No. Canton Company or Canton
14 Railroad?

15 Q. Canton Company.

16 A. Well, I know the Canton Railroad has
17 been around a long while, but I don't know about
18 Canton Company. Who are they?

19 Q. A company that owned a good deal of
20 property in the Baltimore area.

21 A. Isn't it the same company, Canton

1 Railroad and Canton Company?

2 Q. There may have been some affiliation,
3 I'm not sure.

4 MR. LAWS: Objection to counsel's
5 testimony.

6 MR. GUTTER: Oh, I was asked.

7 THE WITNESS: They say that is the
8 richest little company going is the Canton
9 Railroad.

10 MR. LAWS: Direct your comments to the
11 State.

12 THE WITNESS: I don't know about a
13 Canton Company.

14 Q. Let me ask you about a couple of other
15 companies. Have you ever heard of a company
16 called Maryland Company it was called at the time
17 up on Reisterstown Road?

18 A. Yes.

19 Q. Did you ever haul waste or trash out of
20 there?

21 A. I pulled that stop approximately, I

1 would say in the whole time I worked for Robb
2 Tyler, four times approximately.

3 Q. What kind of containers did they have
4 up there?

5 A. They had a compactor up there and I
6 don't think that trash came down the road. That
7 trash didn't come down the road.

8 Q. What do you mean down the road?

9 A. We didn't bring it this far down here.

10 Q. Where did you take it to?

11 A. We took that over to Cockeysville. The
12 County had a landfill in there. I can't think of
13 the daggone road, but it is a recycling place in
14 there now. In the back of that, when I worked
15 for Robb Tyler, they tell you you're going up the
16 road.

17 When you went up the road, that was
18 Cockeysville. You had the whole Cockeysville up
19 in that section, but it all stayed up there. You
20 hauled it into a County landfill that was on York
21 Road. You know where the Gas & Electric is on

1 York Road?

2 Q. No, I sure don't.

3 A. It's when you go into Cockeysville.

4 Do you know where the AAI is?

5 Q. I'm not from Baltimore, Mr. Sauer.

6 A. Oh, man, where are you at.

7 When you pass the AAI there is a Gas &
8 Electric up on top there, you turn left and go
9 back in there and there was a County recycling
10 and there was a landfill back there where the
11 County used to dump. About 10 or 15 stops up the
12 road you come down and take it to that landfill
13 and then you go back down the road with maybe
14 one.

15 Q. Did you ever pull for Maryland Cup when
16 you worked for Fritz?

17 A. No.

18 Q. Do you know if Mike Cefaloni ever did?

19 A. No. Hold it. I ain't going to say
20 that. I don't know what Mike Cefaloni done. He
21 was on a little truck and that little truck he

1 would go all over with them little small
2 containers.

3 Q. So you don't know one way or another
4 whether Mike Cefaloni pulled for Maryland Cup?

5 A. No. That is Sweetheart Cup up in
6 Cockeysville.

7 Q. Reisterstown?

8 A. Well, Reisterstown or whatever it is up
9 there.

10 Q. Let me ask you about a company called
11 Crown Cork & Seal. You have mentioned them
12 earlier today. Do you know if you ever hauled
13 from them when you worked for Fritz?

14 A. No. That was Robb Tyler's stop. I
15 never pulled it.

16 Q. You never pulled it yourself?

17 A. No, never pulled it.

18 Q. Do you know if Mike Cefaloni ever
19 pulled from Crown Cork?

20 A. I don't know. I don't know what he has
21 done.

1 Q. Do you know if any driver working for
2 Fritz ever pulled from Crown Cork?

3 A. Nope.

4 Q. You wouldn't know one way or another?

5 A. No. Whatever I pulled, whatever came
6 out on my sheet and I can about tell you every
7 stop I pulled as long as I worked for Fritz, but
8 now Robb Tyler, I can't, because I jumped from
9 truck to truck. You don't know where I was going
10 next and I didn't know either.

11 Q. When Fritz left the landfill around
12 1968 or so, did you see the landfill around the
13 same time that Fritz was pulling out of it?

14 A. When he left there?

15 Q. Yes.

16 A. That landfill, to the best of my
17 knowledge when he left there, that landfill was
18 clear, nothing on it.

19 Q. Did you see any drums on it?

20 A. No, I didn't see no drums on that
21 landfill.

1 Q. If there had been drums on it --

2 A. You could have seen them from the
3 road.

4 Q. Now, the United States says that around
5 1983 or 1984 it went into that landfill and
6 pulled about 1,000 drums out of there, and they
7 have provided some information to us that
8 suggests that those drums may have gotten there
9 after Fritz left. Do you know one way or
10 another?

11 A. I can't make no statement on that. I
12 don't know. Because how would I know? I'm
13 working for someone else. It wouldn't dawn on me
14 to go look at that place.

15 Q. But what you can say is what you saw in
16 1968 when Fritz left, correct?

17 A. Right.

18 Q. And had there been 1,000 drums there in
19 1968, you think you would have seen them, is that
20 correct?

21 A. You should have been able to see 1,000

1 drums from the road. If Kane Street was put in
2 there at the time.

3 Now, if someone had snuck in there and
4 dumped them drums, they should have been visible
5 from the road. 1,000 drums, you are talking
6 about a lot of drums.

7 Q. You certainly are.

8 A. That is a tremendous amount of drums,
9 1,000 drums.

10 Q. Yes, sir.

11 A. I don't know where you would get 1,000
12 drums at one time. Who would have 1,000 drums on
13 hand?

14 Q. I certainly have no idea.

15 A. You can't store that much stuff. That
16 don't sound right to me.

17 Q. Let me ask you a little more about the
18 investigator from EPA who you say talked to you
19 on the phone, Paul Baker.

20 A. Yes.

21 Q. Did I hear you correctly to say this

ORIGINAL
(Rec)

1 morning that you had a hard time with him?

2 A. To a certain extent.

3 Q. What did you mean by that?

4 A. Well, he was trying to get me to tell
5 him what I had done, what I hauled and who I
6 hauled for and this and that.

7 Let me explain one thing to you. You
8 go home tonight and you done worked hard all day,
9 right.

10 Q. Everything is relative, Mr. Sauer.

11 A. The man says Paul Baker called you on
12 the phone, call him back, if that is who it is.
13 This guy gets on the phone and he wants to know a
14 lot of information, who struck John and stuff. I
15 don't know who Paul Baker is or who he is on the
16 phone or who he ain't, and he wants to know a
17 whole lot of information. Man, boom, the hell
18 with you. I ain't worrying with you.

19 Q. If I understood it correctly, you were
20 asked did you tell Mr. Baker that you had worked
21 for your brother from '62 to '68.

1 A. I guess I did. I don't know what I
2 told him.

3 Q. And you said that is what he said.

4 A. He might have said anything. I didn't
5 know who the guy was. What am I going to tell
6 somebody a whole lot of stuff on the telephone?
7 I don't know who you are on the other end. You
8 come in person and talk to me and I might know
9 who you are.

10 Q. Was he putting words in your mouth?

11 A. It wasn't putting words in my mouth. I
12 just ain't for no whole lot of telephone. If the
13 people say come up here, I'm here, and I know
14 what I'm doing, but I ain't going to talk to you
15 on no telephone about what went on up here. I'm
16 not going to talk to you on the telephone. I'm
17 going to say good-bye.

18 When you send me a letter, then I know
19 what I'm talking about. Do you talk to anybody
20 about your business on the phone? I don't know
21 who I'm talking to on the phone. Let me hear

1 it.

2 MR. GUTTER: Should we have the
3 reporter swear me in? I'm done, Mr. Sauer.
4 Next.

5 EXAMINATION BY MR. BRAGER:

6 Q. Hi, I'm Rob Brager, and I represent
7 Sweetheart Cup in this matter, and I have just a
8 very few questions for you. Michael Cefaloni
9 said under oath that he never hauled waste
10 anywhere but to Sauer's dump.

11 A. Did he haul from Sweetheart Cup?

12 Q. Not to my knowledge, no.

13 MS. CASANO: I'm going to object
14 because I don't think that is what Cefaloni's
15 testimony was.

16 THE WITNESS: I don't know. I will set
17 you straight. I don't know what he done with
18 that truck or where he hauled from, believe it or
19 not. The only way you can do that is you might
20 have to call Robb Tyler or call BFI or somebody
21 and try to get some information or some paperwork

1 or something or some records or something to find
2 out who has done who and where who has hauled or
3 what.

4 MR. BRAGER: You are right and there is
5 no paperwork.

6 THE WITNESS: Well, I don't know what
7 to tell you then, buddy.

8 Q. Well, we will try to do with what we
9 have.

10 Now, do you know whether Michael
11 Cefaloni ever dumped anywhere other than in
12 Sauer's dump?

13 A. Sure, he hauled all over. He could
14 have dumped at Quarantine Landfill or Patapsco
15 Flats.

16 Q. Did you ever see him dump anywhere
17 other than Sauer's dump?

18 A. Sure, he dumped over at Quarantine
19 Landfill.

20 Q. If he said that he never dumped
21 anywhere but at Sauer's Landfill, he wasn't

1 telling the truth?

2 A. No, he wasn't telling the truth because
3 if the place is closed, where are you going to go
4 with it?

5 Q. I don't know. It is your business, not
6 mine.

7 A. And another thing, if he was hauling
8 that solo cup, I don't think he hauled that
9 stop. Who was that that used to run up the road
10 with the Dumpster? That would have went to
11 Cockeysville landfill up there by AAI, in the
12 back of AAI.

13 You wouldn't have brought it all the
14 way down the road here if you had four or five
15 other stops up in that section, you would have
16 dumped them all back up there and come back in
17 with one, brought a loaded one down with you
18 instead of dead-heading. I don't know about
19 that.

20 Q. Did you know Michael Cefaloni pretty
21 well?

1 A. I knowed him. That boy, I ain't going
2 to say.

3 Q. This is what I would like you to say,
4 and I think a lot of other people would like you
5 to say also. To your knowledge --

6 MS. CASANO: Well, let's not tell him
7 what you want him to say.

8 MR. BRAGER: I want him to answer the
9 question whether Michael Cefaloni was someone who
10 you could always trust to tell the truth.

11 MR. BECK: Excuse me. I object to the
12 form of the question.

13 THE WITNESS: Yes, you better object to
14 that one because your hair would stand up if I
15 ever told you about Cefaloni.

16 Q. Well, that is what I want you to tell
17 me.

18 A. I can't tell you. He just objected to
19 it.

20 MR. BECK: Mr. Sauer, I don't mean to
21 slow you down.

1 A. Mr. Cefaloni, I will tell you, did you
2 ever watch a Wild West show?

3 Q. Yes.

4 A. That was when Mr. Cefaloni went home
5 with him and his wife. His wife was looser than
6 he was, and he was loose. And one night, they
7 got into a battle over there and she up and took
8 his gun and that is why he had a bad arm. She
9 took his gun and she shot him here. She shot him
10 in the side here and it come out through his
11 chest some way here.

12 He struggled out of the house, that is
13 the house that he was living in used to belong to
14 my father and mother. He struggled out to North
15 Point Road, fell out in North Point Road, and
16 there was a nurse coming up the road. If she
17 wouldn't have found him laying out there, he
18 would have died.

19 They sent him over to City Hospital and
20 he came back, after that he was paralyzed in his
21 arm and he was just as loose as a goose. I mean

1 just loose. That boy, you couldn't believe
2 nothing from Mike. He would tell you anything.

3 Now, I don't know about Mike. I don't
4 know about what he has told or what. I would
5 never trust his words or what. He could tell you
6 anything and want you to believe it, and he was
7 telling you a lie and I wouldn't believe it.

8 A lot of times I got in trouble or
9 arguments with him. Now, you can go with
10 whatever you want with him, but Mike was
11 terrible, I will tell you.

12 Q. Do you know when he was shot, around
13 what time period?

14 A. No, I don't know when it happened.

15 Q. Do you remember whether you were
16 working for your brother?

17 A. I think I was working for my brother
18 when he got shot, or was I? Yes, I was working
19 for my brother when he got shot. She tried to
20 kill him over another -- I don't know if he had
21 another woman or she had another man or what the

1 heck ever was going on, but it was terrible. It
2 was worse than a Wild West show.

3 MR. BRAGER: I have no further
4 questions, as long as you are done. Are you
5 finished?

6 THE WITNESS: I'm finished.

7 EXAMINATION BY MS. DOANE:

8 Q. Mr. Sauer, my name is Lee Doane and I
9 represent Exxon Corporation, and I appreciate
10 your time here today, and I know it's getting
11 toward the end of the day but my questions will
12 be very short.

13 My first question concerns what has
14 been marked as Sauer Exhibit No. 1, and it may
15 sound inane but I want to get it into the
16 record.

17 Now, when you looked at this map, you
18 did not write the words Standard Oil in the
19 places that they are named on there, did you?

20 A. No. I marked where I picked these
21 containers up.

1 Q. Now, did your statement regarding the
2 location, is that based upon the words, Standard
3 Oil, as they are listed on the map?

4 A. No. I don't know what you are talking
5 about here but I will put it in my words. I know
6 where the containers were sitting. I know where
7 I picked them up and I know where Standard Oil
8 was.

9 Q. But it does not necessarily have
10 anything to do with the words Standard Oil as
11 written on the map?

12 A. No, no. You can show me any map and I
13 can take you right to the spot right now where
14 the containers were and show you them now, and
15 one of them is still sitting there, if you go
16 down Boston Street to Clinton Street and look in
17 the fence, there will be a container sitting
18 there with some barrels with tops on them sitting
19 there, and that is where I picked the container
20 up there.

21 MR. BECK: Is that barrels?

1 THE WITNESS: Drums is sitting on the
2 ground. When you go down through there you will
3 see a container sitting in the backyard and
4 across from it you will see some Esso Standard
5 Oil barrels sitting on pallets with tops on
6 them. You will see the containers sitting
7 there.

8 Now, if the other one is still at the
9 oil place where they used to can the oil, it
10 could have been tore down or it could be still
11 over there. It used to sit alongside the
12 building over there and they loaded it with these
13 hopper.

14 Q. But you don't know that for a fact
15 today. You haven't been over there?

16 A. I haven't been there for I don't know
17 how long.

18 Q. What year did your brother Edwin die?

19 A. I don't know, honey. I don't know. I
20 have to look it up. It's probably been about 15
21 years ago or longer.

1 Q. And it is your testimony today that you
2 don't recall where you took the material that you
3 picked up from Standard Oil, is that true?

4 A. Right.

5 MS. DOANE: Thank you.

6 MS. CASANO: Who's next?

7 EXAMINATION BY MS. MORRIS:

8 Q. Mr. Sauer, I'm C. J. Morris
9 representing Baltimore Gas & Electric. For the
10 record, I don't think I have talked to you on the
11 telephone before, although I understand that
12 there may have been some communication from
13 someone.

14 I want to ask you about a few other
15 people that you may or may not have hauled for to
16 your brother's landfill, to Fritz's. You
17 mentioned earlier, I believe, some paint
18 companies. Someone asked you about O'Brien
19 Paint. Do you recall Glidden-Durkee or Glidden
20 Paint Company?

21 A. No, I don't think I hauled for

1 Glidden.

2 Q. Do you know if anyone for Robb Tyler
3 did?

4 A. I don't know if that was his account or
5 not. I don't know. That would be his personal
6 business. I don't know. I think that was the
7 one down across from Broening Highway, wasn't
8 it?

9 Q. I have an address at 2701 Broening
10 Highway.

11 A. Yes, that was the old Glidden Paint.
12 No, I didn't haul out of there, but possibly, I
13 don't know for sure, maybe someone could have
14 hauled out of there.

15 Q. Do you remember what kind of containers
16 they had?

17 A. If it would have been a container in
18 there, it could have been an open-top 30. It
19 could have been. Now, I'm not making no
20 statements that it was or it wasn't, but if he
21 did have that account, then it would have been an

1 open-top 30 in there.

2 Q. Do you remember hauling from SCM
3 Chemicals?

4 A. SCM? SCM, SCM, no.

5 Q. It doesn't ring a bell?

6 A. SCM is on the other side of town, ain't
7 it? Yes, down off of Shell Road.

8 Q. Near Hawkins Point?

9 A. Yes, down Hawkins Point. I hauled
10 concrete in there but I never hauled no trash.

11 Q. You hauled concrete in there but you
12 haven't taken anything out of there?

13 A. I hauled concrete in there for Arundel
14 pouring concrete in there.

15 Q. Do you know if that facility was one of
16 Robb Tyler's customers?

17 A. I don't know.

18 Q. You don't know one way or the other?

19 A. Nope, can't make no statements of
20 nothing I don't know.

21 Q. How about Mobay, M-O-B-A-Y, does that

1 ring a bell?

2 A. No.

3 Q. PEMCO?

4 A. I did all PEMCO.

5 Q. Where was that located?

6 A. That is on Eastern Avenue across the
7 street from City Hospital.

8 Q. Okay.

9 A. I did haul that in Fritz's?

10 Q. Was that one of Fritz's own customers?

11 A. No, that was a Robb Tyler customer.

12 Q. But you hauled both when you worked for
13 Fritz and for Robb Tyler?

14 A. No, I only hauled that when I worked
15 for Robb Tyler.

16 Q. But you hauled it to Fritz's Landfill?

17 A. I hauled it with Fritz's truck. Let's
18 get it straight. I hauled it with Fritz's truck
19 to Fritz's Landfill, but it was a Robb Tyler
20 stop. That was his account.

21 Q. What kind of container?

1 A. 30-yard open-top container.

2 Q. How often was the pick-up?

3 A. I didn't pull that stop that often,
4 maybe once a week or once every two weeks. It
5 depends on how I got it on my sheet. If they was
6 backed up and they gave it to me, I hauled it.
7 If it wasn't backed up, then I didn't get it.

8 Q. What kind of stuff was in that
9 container?

10 A. I don't know. I think it was a lot of
11 dust in that can if I ain't mistaken. It could
12 have been a lot of dust in that one.

13 Q. Did they have a precipitator also?

14 A. I don't know.

15 Q. Do you ever remember picking up from
16 Lord Baltimore Press? Does that ring a bell?

17 A. For Robb Tyler?

18 A. Lord Baltimore Press for Robb Tyler.

19 Q. Where is that located?

20 A. That is on Federal or Edmondson Avenue
21 or Edmondson Highway.

1 Q. Edmondson?

2 A. Edmondson, it's over here in
3 Orangeville off Federal Street. You go up Erdman
4 Avenue to Federal Street and go under the little
5 bridge and it's over on the right-hand side back
6 there and it's called Lord Baltimore Press. But
7 it is not Lord Baltimore Press anymore. It's
8 some other box company bought them out.

9 Q. You hauled out of there when you were
10 working for Robb Tyler?

11 A. For Robb Tyler.

12 Q. But not when you were working for
13 Fritz?

14 A. No. I don't think Lord Baltimore Press
15 went to Fritz's. I think it went to Norris'
16 Landfill after they were open.

17 Q. Did you ever haul for them before
18 Norris was open?

19 A. For who?

20 Q. For Lord Baltimore?

21 A. No.

1 Q. Do you know who was hauling for them
2 before that?

3 A. No, that was Robb Tyler's trucks.

4 Q. But as far as you know, Tyler was
5 picking up but you didn't carry it?

6 A. Now, it could have went to Fritz's but
7 I didn't take it. Let's make it like that. It
8 could have went there but I didn't haul it. I'm
9 speculating on what I hauled.

10 Q. That's what we want to know.

11 A. Not what the other ones hauled.

12 Q. Now, you had mentioned earlier that
13 during that period of time that you worked for
14 Fritz, he paid you but you sometimes were loaned
15 over to Robb Tyler and picked up some of his
16 customers.

17 A. Right, with his truck.

18 Q. And when you did that, sometimes you
19 would take the load to Fritz's and sometimes you
20 would take it to a Tyler landfill?

21 A. Right.

1 Q. To your knowledge, did the other
2 drivers for Robb Tyler also use both landfills
3 during that time that they would sometimes bring
4 their Tyler loads to Fritz's?

5 A. Sure, they used Fritz's Landfill
6 because he had nowhere to go. He had to use that
7 one or go across town.

8 Q. How about during that period that the
9 Quad Avenue Landfill was still open?

10 A. The Quad Avenue Landfill was closed.
11 That is where his landfill was closed down. He
12 had no other landfill on this side of town.

13 Q. Let's go back to the time before Quad
14 closed when it was still open. Back in that
15 time, wasn't there a time when Quad was still
16 open before it closed and Fritz's Landfill was
17 still open?

18 A. Right.

19 Q. Did the Tyler drivers use both
20 landfills?

21 A. I don't know that now. I don't know.

1 It is possible but I don't know. Just as I said,
2 they trucked in there when Robb Tyler was on
3 strike. Now you make it clear. When he was on
4 strike, they closed his landfills up and he had
5 nowhere to go. They did truck into Fritz's
6 Landfill, but it wasn't his trucks.

7 It was other people that had filled in
8 to take care of Tyler's Landfill, to take care of
9 his stops, because his landfill was closed and
10 they trucked in there when he was on strike.
11 Now, who they were, I don't know.

12 Q. Those were not the regular Tyler
13 drivers?

14 A. No, all of his trucks were down on
15 strike but they got, in other words, what we say
16 they got scabs to go in and haul his stops and go
17 by the picket lines. That is what I'm saying.

18 Q. Someone mentioned earlier the Canton
19 Company and I believe you mentioned whether that
20 was connected with the Canton Railroad.

21 A. Yes.

1 Q. I'd like to ask you about Canton
2 Railroad. You are familiar with that company?

3 A. Yes, that is the railroad.

4 Q. And you talked earlier about using
5 construction debris and things like that for
6 cover at the landfill, at Fritz's Landfill. Do
7 you recall ever having, at that landfill,
8 railroad ties?

9 A. No, not that I know of, not to the best
10 of my knowledge. Canton Railroad don't throw
11 railroad ties away.

12 Q. Did you pick up anything from Canton
13 Railroad?

14 A. No, no. I think Canton Railroad, if
15 I'm not mistaken, Canton Railroad had their own
16 little landfill somewhere down in Canton if I'm
17 not mistaken. They used to dump their own stuff
18 and dispose of it or load it in freight cars or
19 something. I don't know what they done with it.
20 I have no knowledge of what Canton Railroad done,
21 but I don't think the railroad did not haul no

1 railroad ties in there, no. No, no railroad
2 ties.

3 Q. Did you ever see railroad ties from any
4 other source?

5 A. Nope.

6 Q. Are you familiar with American
7 Cooperage?

8 A. No.

9 Q. Do you know what it is?

10 A. I know where it was at and I think Mike
11 Cefaloni hauled for them. I think he hauled
12 containers out of there with that Dumpster truck
13 out of American Cooperage but don't know where he
14 hauled. I don't know where he took it. It could
15 have been Quarantine or Fritz's or it could have
16 been anywhere. American Cooperage.

17 Q. But you never took anything out of
18 American Cooperage?

19 A. No, I never hauled with that type
20 truck.

21 Q. Do you know if Robb Tyler ever bought

1 or sold drums?

2 A. I think he did sell drums. I think he
3 did. I'm not for sure.

4 Q. What makes you think so?

5 A. Because he used to have a man on the
6 dump that used to do the scrapping on the dump
7 that used to empty drums out that loaded them up
8 on the side and he sold them. I don't know if he
9 sold them for Robb Tyler or if he was on the
10 landfill for whatever he could make or what. I
11 don't know. That was not at Fritz's.

12 Q. That was at Robb Tyler's?

13 A. At Robb Tyler's Landfill at Quad Avenue
14 back in there. When we dumped the loads and if
15 they had barrels in them or whatever they was in,
16 the loads, if they were, wherever he found them,
17 he would get them out of there and drain them out
18 and load them on his truck and sell them. Now,
19 wherever he done, I don't know.

20 Q. That never happened at Fritz's
21 Landfill?

1 A. No, we didn't allow no drums in there,
2 I'm telling you.

3 Q. Do you know who that fellow was that
4 would do the salvaging at the Quad Avenue dump?

5 A. It was an old guy named Sam Grant, but
6 I tell you I think he's dead now. I think he's
7 dead.

8 Q. Grant?

9 A. Sam Grant. He was a preacher.

10 Q. The preacher?

11 A. Yes, he was a preacher. I don't know
12 if he's alive, dead or what, but he used to work
13 on the landfill over there.

14 Q. Did you ever hear what he did with the
15 drums?

16 A. No, I don't.

17 MS. MORRIS: Thank you. That is all I
18 have.

19 EXAMINATION BY MR. CROWE:

20 Q. Good afternoon, Mr. Sauer. My name is
21 Tom Crowe, and I represent a company called PORI

1 International. Before I start my questioning,
2 let me say there is nothing wrong with your
3 meeting with lawyers for BFI and I don't want to
4 suggest to you that there was, but you indicated
5 here today that you did, in fact, meet with
6 lawyers from BFI, did you not?

7 A. I did what?

8 Q. You met with lawyers for BFI?

9 A. I did.

10 Q. Do you know how many times you did?

11 A. One.

12 Q. Can you tell me when that was?

13 A. It could be approximately six months
14 ago or sooner or later.

15 Q. Do you remember how long you spoke with
16 them?

17 A. Approximately an hour.

18 Q. Was there someone such as Ms. Pearson
19 who had one of the stenotype machines?

20 A. No, they hand-wrote down on yellow
21 paper like you had.

1 Q. You just had the lawyers writing
2 notes?

3 A. All he asked me was that I would come
4 over, the president of the company, Bill Davis,
5 sent word and called my house and said that they
6 wanted to talk to me about what was hauled over
7 to Fritz's.

8 Being I worked for BFI at the time and
9 hauled Robb Tyler material with Fritz's truck, I
10 agreed to go over. They asked me some
11 questions. I told them what I hauled and the
12 meeting was over with.

13 Q. And they didn't, that day or any later
14 time come back with a statement which they asked
15 you to read or sign?

16 A. No, no. And I can tell you what I told
17 them if you want me to tell you.

18 Q. I don't think we have to go through
19 that.

20 For the last three years that you
21 worked for your brother when you were hauling for

1 Robb Tyler, you were driving a Sauer truck, is
2 that right?

3 A. A Sauer truck?

4 Q. A truck owned by your brother?

5 A. A truck owned by my brother.

6 Q. What color was that truck?

7 A. Red.

8 Q. And did it have any writing on it?

9 A. No.

10 Q. Were all of the Sauer trucks red at
11 that time?

12 A. No. Whatever color he bought, that was
13 the color it stayed.

14 Q. Do you recall the truck that Mike
15 Cefaloni was driving, again, for the last three
16 years before you left your brother's employ?

17 A. I don't know. He might have
18 hand-painted it over there under the tree one
19 Sunday. I don't know. That guy was so flaky, I
20 don't know what he might have done.

21 Q. What about the Robb Tyler trucks, what

1 color were they?

2 A. They was all green.

3 Q. That was a uniform color?

4 A. It was sort of a dark green. It was a
5 dark green.

6 Q. And all of his trucks were painted that
7 way?

8 A. All alike.

9 Q. As long as you can remember?

10 A. Yes.

11 Q. Did they have any writing on them?

12 A. Robb Tyler was wrote on the side of
13 them, Robb Tyler, Incorporated. It used to say
14 "We Never Refuse Refuse" or something. They
15 never refuse nothing. He took anything.

16 Q. Do you remember when you went to work
17 for Robb Tyler, do you recall when BFI took over
18 and when they changed the color of the trucks?

19 MR. BECK: To the extent that your
20 question assumes those are the same date, I
21 object to the form assuming a fact not in

1 evidence.

2 A. I think they come in there and took
3 over like gangbusters and they started painting
4 up trucks blue. Then we went on strike and it
5 wasn't long we was all out the gate. So I don't
6 know when it was.

7 Q. Now, you testified about a period of
8 time when many of the dumps on the east side of
9 town were closed down. Do you recall talking
10 about that?

11 A. I don't know when it was. That is the
12 trouble. I don't have no dates of when it
13 happened or what, but all of them was closed down
14 and the only one that was open was Fritz. Fritz
15 and Colgate Landfill I think was open.

16 Q. I want to explore that for a second.
17 Weren't there, in fact, private companies, large
18 manufacturing concerns on the east side of town
19 which had their own private landfills?

20 A. Not to the best of my knowledge.

21 Q. Would you know whether, for example, in

1 the 1960's, Bethlehem Steel had its own private
2 landfill?

3 A. In the sixties?

4 Q. Yes.

5 A. You could be right.

6 Q. You just don't know one way or the
7 other?

8 A. I don't know. But now I know when I
9 worked for Robb Tyler we used to haul, we didn't
10 haul it to Fritz's dump. We hauled it to Norris'
11 Landfill and we hired out of the shipyard, had
12 all them big containers down in the shipyard, and
13 he had this transfer station set up at Sparrows
14 Point place where they used to bring it in here
15 with these Dumpsters and dump it in here and
16 thing used to pack it in the long trailers and he
17 took it further to the landfill.

18 Now I don't know if they had a
19 landfill. It might be before my time or
20 unbeknownst to me what they had down in there.
21 You could never go down in there. The only way

1 we got in there to haul out the shipyard is we
2 had to have a Robb Tyler truck and we were asked
3 if we could go in and come out without an
4 escort.

5 You couldn't go in there and find out
6 what they had done down in there. They had their
7 own police department down in there.

8 Q. Let me ask you a question about Norris
9 Farms. You were working for Robb Tyler. Were
10 you working for Robb Tyler when Norris Farms
11 opened?

12 A. Yes, I was.

13 Q. Did you start hauling to --

14 A. I wasn't working on the farm when it
15 opened. I was working on Quarantine Road on a
16 bulldozer. That was another landfill he had over
17 there.

18 Q. And do you know how soon after Norris
19 Farm opened it was that you went there?

20 A. How soon?

21 Q. Yes.

1 A. No, I don't.

2 Q. And you don't know when it was that
3 Norris Farm opened?

4 A. No.

5 Q. You couldn't tell me the season of the
6 year?

7 A. No, I don't know if it was summertime
8 or if it was cold weather, to tell you the
9 truth.

10 Q. Now, on Michael Cefaloni, you give me
11 the impression that you didn't believe almost
12 anything the man said. Did you ever discuss with
13 other people that you worked with, people in the
14 community whether Cefaloni had a good or bad
15 reputation for telling the truth?

16 MS. CASANO: Objection.

17 MR. GRUMMER: Object to the form of the
18 question.

19 A. I tell you what. You ask any one of
20 them drivers that come in here, if you have got
21 any of them still alive working for BFI, ask them

1 what kind of a man he was.

2 Q. Have you actually discussed with other
3 people Michael Cefaloni's reputation for telling
4 the truth?

5 A. No, I haven't discussed it with
6 nobody. All I know is what I'm saying.

7 Q. The period that Sauer's dump or Fritz's
8 dump was shut down because of a strike --

9 A. His wasn't shut down as a strike. Robb
10 Tyler was shut down as a strike and he used his
11 as a backup.

12 Q. Robb Tyler hired scabs and they brought
13 it in to Sauer's dump?

14 A. Right.

15 Q. Were you employed by your brother at
16 that time?

17 A. I don't know. I don't think so. Yes,
18 I was employed by my brother, yes. Because right
19 after that they settled that strike and then that
20 is when I went with Robb Tyler.

21 Q. Now, when you were working for your

1 brother but actually hauling trash for Robb
2 Tyler's customers, did your cab have a radio
3 which put you in communication with Robb Tyler?

4 A. No.

5 Q. After you went to work for Robb Tyler
6 and you actually started hauling trash for Robb
7 Tyler as a Robb Tyler employee, you then had a
8 radio which put you in communication, didn't
9 you?

10 A. Right. I was an employee of Robb
11 Tyler's then when I worked for him.

12 Q. And during that time, did you ever hear
13 the name PORI or Palm Oil mentioned over that
14 radio?

15 A. Palm Oil or PORI?

16 Q. Yes.

17 A. No. I don't think I know where you are
18 located, but I think I know where you are located
19 now. I tell you right now when you said it down
20 at the Point, I think the little oil company is
21 back in behind the Point, isn't it?

1 Q. Pardon?

2 A. You go down Beth Boulevard and you go
3 back to the left and cross that little stream?

4 Q. I'm really not sure where they are, but
5 why do you think you believe you know where they
6 are?

7 A. I know now when you are talking about
8 that oil company, it's down the Point. Yes, I
9 hauled concrete in there. We poured a lot of
10 concrete in there for them people.

11 Q. Can you recall ever being in there for
12 any other purpose?

13 A. No, I think that works for the Point.
14 That is for the Point only.

15 MR. CROWE: Thank you very much.

16 EXAMINATION BY MR. JOSEPH:

17 Q. My name is David Joseph and I represent
18 H. M. Holdings. I want to ask you a few
19 questions about PEMCO.

20 A. Okay.

21 Q. You stated that you hauled from PEMCO

1 when you were working for your brother but you
2 were hauling for Robb Tyler, is that correct?

3 A. Correct.

4 Q. Do you know if this was a regular Robb
5 Tyler stop or if this was a call-in, pick-up
6 stop?

7 A. I don't know.

8 Q. Do you know if your pick-ups --

9 A. I don't know if it was a call-in or if
10 it was a regular. I will tell you the truth.
11 The only time that I would get that is if work
12 was slow and he would come out on my sheet of
13 tickets, PEMCO. But I don't know. It could have
14 been a call-in. It could have been a regular
15 stop. It could have been an unscheduled stop,
16 too. It could have been scheduled Monday,
17 Wednesday and Friday or it could have been
18 scheduled for Friday or it could be we will call
19 when it is full. I worked on stops like that.

20 Q. Would this have been indicated on the
21 ticket you received?

1 A. I don't know. No, I don't think so.

2 Q. Did you ever, during this period that
3 you were an employee of your brother, did you
4 ever haul PEMCO to a Robb Tyler landfill?

5 A. I don't know.

6 Q. What makes you remember that you hauled
7 it --

8 A. Because it was a shorter distance.
9 When I used to haul that container it was heavy.
10 That was a heavy container that came out of PEMCO
11 because I think they made some kind of agreement
12 or something over there for mold or something and
13 it was a heavy container I used to bring it down
14 Kane Street and turn in my brother's and take it
15 up there and dump it.

16 Q. Can you remember what the facility used
17 to look like where you made the pick-ups?

18 A. That container was sitting all the way
19 when you would go into PEMCO's yard, a flashing
20 light out front with the gate that was electric.
21 You go all the way to the back of that building,

1 all the way to the end of the PEMCO building.

2 Right at the end of that building is a
3 platform that sat long ways along the building
4 running this way. The container sat this way.
5 You come around the corner and pull up a little
6 hill, back up, pick it up and left.

7 Q. When you made your pick-ups at PEMCO,
8 did you have to have a receipt signed before you
9 left the premises?

10 A. Yes.

11 Q. Do you remember who normally signed the
12 receipt?

13 A. No.

14 Q. Was it a gatehouse?

15 A. No, any one of them guys inside working
16 on that machine would sign the ticket.

17 Q. Do you remember what color the
18 container was?

19 A. It was a Robb Tyler can, a green can.

20 Q. You stated that the container had dust
21 in it?

1 A. Like a dust in it when you dumped it.

2 Q. Was there anything else in the
3 container that you remember?

4 A. I don't know. It was just dusty. When
5 you took it down the road dust would fly.

6 Q. Were there bags of things in there?

7 A. I don't know. All I remember is the
8 dust.

9 Q. Do you remember the color of the dust?

10 A. No.

11 Q. After you went to work for Robb Tyler
12 on a regular basis, did you ever make pick-ups at
13 PEMCO?

14 A. Yes.

15 Q. You did?

16 A. Yes.

17 Q. Did you pick up the same container?

18 A. The same container and took it to
19 Norris' Landfill. Only he had it covered then.
20 That is when the cover law came in.

21 Q. Do you remember how frequent your

1 pick-ups were when you went to work for Robb
2 Tyler?

3 A. Well, it was give or take. It depends
4 on the route you were on when I worked for him.
5 If you were on that route, it depends. The man
6 used to call by radio. Each one of them trucks
7 was radio. If I finished up at Crown Cork &
8 Seal, you would call on the radio, I have
9 finished Crown Cork, I'm leaving.

10 What is the next stop? Go to PEMCO.
11 You get that finished, call him up, go to General
12 Motors. He would tell you on the radio, go to
13 General Motors. Then you had handwriting tickets
14 in there. You could write your own ticket.

15 Q. One last question. When you were
16 working for your brother and you made pick-ups at
17 PEMCO, you testified earlier that it may have
18 been once a week or you just didn't remember.
19 Was it a frequent stop for you or an infrequent
20 stop for you?

21 A. No, whenever I was given it. Whenever

1 the dispatcher gave it to me on my sheet of
2 tickets when I picked them up at night over
3 there, if it was in my tickets I hauled it. If
4 it wasn't in there, someone else hauled it.

5 MR. JOSEPH: I have no further
6 questions.

7 EXAMINATION BY MR. BECK:

8 Q. Mr. Sauer, my name is Bill Beck and I
9 represent BFI. You and I have never met before
10 today, have we?

11 A. No, I haven't. You are not the man I
12 talked to.

13 Q. I'd like to start my questioning by
14 trying to establish a couple of lists so that I
15 will know exactly where to ask you some other
16 questions from.

17 First of all, I'd like to get kind of a
18 list of the people who you know of your own
19 knowledge from having seen them were ever at the
20 Sauer dump. One of them that you saw at the
21 Sauer dump was your father, is that correct?

1 A. Revise what you are saying.

2 Q. Is your father someone that you
3 personally saw out at the Sauer dump?

4 A. When?

5 Q. Ever.

6 A. Yes, I seen him there, at his landfill,
7 not at Fritz's Landfill. He was dead then.

8 Q. You have already talked to Mr. Grummer
9 about the relationship, in terms of where they
10 are on the ground between your father's landfill
11 and Fritz's.

12 A. Right.

13 Q. Can you tell me which one was bigger in
14 terms of the area spread out over your father's?

15 A. The area that Fritz had is bigger
16 because he consisted of all of it, not what he
17 had leased. Al Landay owned it all at that time
18 when he leased it or whatever he had done, rented
19 it or whatever he's done. It wasn't just what my
20 father owned, he controlled it all.

21 Q. So that the land that your father owned

1 was a portion of what your brother leased later
2 from Al Landay, is that right?

3 A. He leased what my father owned. Later
4 he leased it from the State. The State had
5 bought it from Al Landay to put the new 95
6 through.

7 Q. Do you know whether the owner that
8 leased it to your brother was actually the State
9 or if it was the City?

10 A. You got me.

11 Q. It could be either one?

12 A. I don't know. It could have been the
13 federal government. I don't know.

14 MS. CASANO: No.

15 Q. Let me try and get this straight,
16 though. Was the land that your father had run an
17 operation on part of the land that your brother
18 leased from Mr. Landay?

19 A. The operation that my father, I just
20 told you that. He put both of them together.
21 They belonged to Al Landay so it had to be the

1 operation of what he was doing with both of
2 them.

3 Q. Whatever is the acreage that your
4 brother leased from Al Landay, it includes the
5 area that your father had?

6 A. What my father had and everything and
7 until the road came through and said, boom, we
8 are cutting off what you want and you have got
9 the rest.

10 Q. I understand that. I was trying to
11 make that clear.

12 Now, your father's operation included
13 some salvaging after some burning, is that
14 right?

15 A. Right.

16 Q. What kind of heavy equipment did your
17 father have available to gather up the metal
18 which was to be salvaged out of what was burned?

19 A. Hand power.

20 Q. It was picked up by hand?

21 A. Right. And put into drums and stuff

1 and sold for scrap.

2 Q. Was there a particular company that
3 your father dealt with to sell the metal scrap?

4 A. I don't know if it was United Iron and
5 Metal or Cambridge Iron and Metal or where. You
6 are going back so far, I don't know.

7 Q. I know that's a long time ago.

8 A. I don't know, I will tell you.

9 Q. Do you know that your brother at one
10 point in time, Fritz, did sell some scrap metal
11 to Cambridge Iron and Metal?

12 A. I think he did.

13 Q. Do you know that to be Sandy Shapiro's
14 company?

15 A. It could be.

16 Q. Do you know whether it is or not?

17 A. I don't know. I don't know who owns
18 Cambridge Iron and Metal. I heard Joe Shapiro
19 owns it. I don't know if it is Joe, Sandy or
20 Leroy, I don't know. I know of him.

21 Q. Let me go back to my list now. We know

1 that your brother Fritz was on the Sauer's dump
2 area also and that he passed away two years ago,
3 is that right?

4 A. Right.

5 Q. We know that your brother was on that
6 property and he passed away some 15 years ago in
7 the accident, is that right, your brother Edwin?

8 A. Yes.

9 Q. We know that Mr. John Miller was on
10 that property making dumps, isn't that right?

11 A. Right.

12 Q. And he has passed away?

13 A. Right.

14 Q. You know that Michael Cefaloni was on
15 that property making dumps also, that is right?

16 A. Right.

17 Q. And he passed away?

18 A. Right.

19 Q. Now, your brother Fritz's first wife
20 actually did some bookkeeping out at the
21 landfill, that is right?

1 A. Frances, that was his wife. Right, she
2 done the bookkeeping.

3 Q. And that was his first wife?

4 A. Right.

5 Q. And she passed away?

6 A. Right.

7 Q. Now, the name Anita Lipppa came out
8 today?

9 A. That was my sister.

10 Q. Can you tell me how she spells her last
11 name?

12 A. I don't know how she spells it.

13 Q. Does L-I-P-P-A sound right?

14 A. That could sound right.

15 Q. Is she still living today?

16 A. Yes.

17 Q. Do you know where she lives?

18 A. In Dundalk somewhere. I don't know her
19 address.

20 Q. Does she live in Dundalk near where
21 your brother Fritz's home was?

1 A. No, around Turner Station somewhere
2 down in that section, Logan Village.

3 Q. She is not down on Lynhurst, though?

4 A. No, that is his daughter that lives
5 down there.

6 Q. Now, describe for me, if you would, Mr.
7 Sauer, exactly what Anita's role was out at the
8 dump. What did she do?

9 A. If I ain't mistaken, she used to take
10 tickets from the trucks that come in there. She
11 never took no tickets from me, but I think the
12 trucks that come in there used to give her a
13 ticket. I don't know if that was a Robb Tyler
14 ticket or whose ticket they were, but they used
15 to give her a ticket. She used to take care of
16 the tickets.

17 Q. Did it have something to do with the
18 bookkeeping?

19 A. I don't think so, no. That was Frances
20 that done all the bookkeeping. That was his
21 wife. She was the boss.

1 Q. Do you know when the boss, Frances,
2 died? Do you know when she passed away? Was it
3 while Fritz's dump was still open?

4 A. I don't think so. It could have been
5 and it could not have been.

6 Q. There is a man whose name has come up a
7 couple of times, Tom Spearman. Did he operate
8 the junkyard there on the corner?

9 A. Yes, he operated the junkyard at the
10 corner of Kane and North Point.

11 Is he still alive?

12 Q. I was going to ask you.

13 A. I don't think so. I haven't seen Tom
14 for 20 years.

15 Q. What is the last you heard or do you
16 know where he lived?

17 A. The last I heard he passed away. That
18 is the last I heard about Tom.

19 Q. I don't think there is anything to hear
20 since then.

21 A. I'll --

1 Q. Is there anybody else that you know who
2 ever did any work out at that dump, out at
3 Fritz's dump?

4 A. No.

5 Q. Any other family members who were ever
6 out there for any reason?

7 A. No.

8 Q. Do you have any other members of your
9 immediate family who have ever been involved in
10 the scrap business or the dumping business back
11 when Fritz's dump was open?

12 A. Not that I know of. To the best of my
13 knowledge, I think they are all dead. I'm the
14 only live one left.

15 Q. One other person we know of that was on
16 part of Fritz's dump at least for a while was
17 Smitty, right?

18 A. Yes, right.

19 Q. Is there any other dozer operator from
20 Robb Tyler who was ever over there running a
21 dozer at Fritz's dump?

1 A. To the best of my knowledge, no.

2 Q. Smitty will be here tomorrow so we can
3 ask him what he knows. I want you to know that.

4 Now, is there anybody else I might ask
5 about the operations of this site besides the
6 people we have talked about?

7 A. Not that I know of. I don't know who
8 else you could ask because the whole crew is
9 about gone.

10 Q. I think I stepped out of the room when
11 this happened, but I was told you were asked some
12 questions about Chevrolet Ray earlier in your
13 deposition, is that right?

14 A. Yes.

15 Q. Do you know Chevrolet Ray or knew him?

16 A. I knowed of him. He was hauling in and
17 out of there, but if I ain't mistaken, I don't
18 know where Ray was hauling, to tell you the
19 truth. I don't know if he was hauling over to
20 the office or if he was hauling over to the
21 landfill or if he was hauling at Fritz's. Tell

1 you the truth, I don't know.

2 Q. We would have to ask someone else to
3 find out the answer to that?

4 A. You would have to ask General Motors
5 people or some kind of records or ask someone. I
6 don't know, but he would come in there with his
7 truck and he was always selling some kind of
8 tickets for a fish fry or bull roast or Friday
9 night deal.

10 Q. I know the type.

11 A. You could go down for three bucks and
12 get all smoked up and eat some crabs and fish and
13 that was a big deal.

14 Q. Did you ever see the kind of material
15 that Chevrolet Ray used to haul on his truck?

16 A. No, he used to haul some barrels.
17 Whatever he had in them barrels, I don't know.

18 Q. But you don't know where it went?

19 A. I don't know where he took it. It
20 could have bent over to the office. Over to
21 BFI's, over to Robb Tyler's, which is BFI now.

1 Whatever this burner was used to burn that
2 stuff. He could have took it over there and they
3 burned it.

4 I don't know where he went or what he
5 was doing because he was in and out, in and out
6 with a truck, and sometimes I would see him and
7 then my brother would say Ray was here and I
8 bought a fish fry ticket for you or crab feast or
9 oyster roast. You owe me three or four bucks.
10 That was the way you get your ticket. I don't
11 know.

12 Q. I want to talk about some addresses.
13 Your address is 2128 Summit, is that right?

14 A. Right.

15 Q. How far away from Fritz's dump is that
16 in round figures?

17 A. About three miles.

18 Q. And Fritz's address is way down on
19 Lynhurst in the 4200 block?

20 A. Yes.

21 Q. About how far away was that?

1 A. About eight miles.

2 Q. And then there was a house at 306 North
3 Point where you grew up, is that right?

4 A. Right.

5 Q. And that later was actually a place
6 where Cefaloni lived, wasn't it?

7 A. Right. I don't know if he rented that
8 off of the State. I don't know who he rented it
9 off of. He could have rented it off of Fritz or
10 what. I don't know. I don't even know who Tom
11 Spearman rented off of. I think Tom Spearman
12 rented off of Al Landay and when it was sold, I
13 don't know.

14 Q. We will track that down with the real
15 estate records. We don't need to ask you that.
16 I want to restrict myself to finding out what you
17 know and not quite as much what you have heard
18 and tried to figure out.

19 A. Yes.

20 Q. I want to talk about getting myself a
21 list of landfills or dumps so we can try to know

1 which one is which. One of the landfills that
2 you referred to in your testimony so far was
3 called Quarantine?

4 A. Right.

5 Q. Can you tell us where that operation
6 was?

7 A. Are you familiar with Curtis Bay?

8 Q. Just go ahead and give me your best
9 directions. I'm from Kansas City, Missouri.

10 A. You go down to Hawkins Point Road.
11 When you go down Hawkins Point Road you come to a
12 drawbridge. It's called Curtis Creek. You cross
13 over the drawbridge. Go down Hawkins Point Road,
14 go up over a little knoll and there is a red
15 light there.

16 Two red lights, make a left. Go up
17 over the hill. When you go up over the hill
18 about a mile or half a mile, you will see a City
19 landfill right now that is open over there. Over
20 to your left, BFI has got a chemical plant in
21 there now, some kind of chemical waste plant in

1 there now that recycles chemicals or something, I
2 don't know what it is in there in that old
3 landfill.

4 Q. Did the Quarantine Landfill have any
5 other names that the haulers would call it?

6 A. All we called it was Quarantine
7 Landfill. Robb Tyler called it that.

8 Q. And then where was the Patapsco Flats
9 Landfill?

10 A. That was on Patapsco Avenue over here
11 where you go out over Hanover Street, I don't
12 know if you are familiar with that. Go over
13 Hanover Street. Go out past South Baltimore
14 General Hospital, that is Harbor Hospital now.
15 Keep own going. Go down the road and there is a
16 Y in the road. Take the one to the right. Go up
17 on the railroad track, there is a red light
18 there. Make a right. Go up that road, there is
19 a big high dirt pile now. That used to be a big
20 landfill back in there.

21 Q. Did that have any other names that it

1 went by to the haulers?

2 A. All I knowed it was Patapsco Flats is
3 the best I can go with it. Now, it was two of
4 them back in there. There was the Baltimore
5 County landfill and a Robb Tyler landfill in
6 there.

7 Q. Now, there was a landfill called Quad
8 Avenue that you talked about several times?

9 A. That is the one behind the office over
10 on Pulaski Highway.

11 Q. To get to that landfill, one of the
12 entrances, if I understood you correctly, is off
13 of North Point onto Quad Avenue?

14 A. Come down North Point Road down to Quad
15 Avenue. Go all the way to the landfill. If you
16 go to Pulaski Highway to the office, you go down
17 where the locker room is. The little road goes
18 down and there is a stream across down there.
19 Robb Tyler had a bridge put in. We used to cross
20 that bridge and go over to the landfill.

21 Q. So you could get to that landfill

1 either from Quad Avenue off of North Point or
2 from Pulaski Highway?

3 A. Right.

4 Q. Was that landfill ever called the 68th
5 and Pulaski Landfill?

6 A. It could have been if that is the name
7 they gave it. I don't know. All we called it
8 was Robb Tyler's Landfill.

9 Q. That landfill, the Quad Avenue entrance
10 off of North Point was about five blocks, I think
11 you said, from the entrance to Fritz's from Kane
12 Street, that is right?

13 A. That was about that distance apart.
14 One was on the other side of the tracks. The
15 railroad divided them. They was give or take the
16 Pennsylvania Railroad comes through there.
17 Fritz's was over there and Robb Tyler's was over
18 here.

19 Q. They were very close to one another?

20 A. They wasn't that far apart.

21 Q. Now, there was also a landfill that you

1 mentioned called Colgate. Was that called the
2 Colgate Pay Dump?

3 A. I think it was. Up there on Pulaski
4 Highway but that is gone now. They put a road
5 through it. The State owns it.

6 Q. What road did they put through there?

7 A. 95 went through there.

8 Q. Now, the Norris Farm Landfill, can you
9 tell us where that was?

10 A. That is down North Point Road and
11 Norris Lane.

12 Q. And about how far would you say that
13 was from Fritz's dump?

14 A. About four or five miles below
15 Eastpoint.

16 Q. Now I have got one down and I don't
17 know if I have it spelled right. I may pronounce
18 it wrong, but Cockeysville?

19 A. That landfill belonged to Baltimore
20 County in Cockeysville. I don't know what it was
21 called.

1 Q. Do you know where that was located?

2 A. You don't know where the AAI is up
3 there, do you, in Cockeysville?

4 Q. No.

5 A. Well, it's below the AAI. If you ask
6 anyone up there if you get into Cockeysville
7 where Baltimore County's transfer station is.

8 Q. Is Cockeysville a transfer station?

9 A. Yes, it is a transfer station in
10 Cockeysville. It used to be a landfill, the back
11 of it.

12 Q. Was there a landfill that you know of
13 as Reedbird?

14 A. Reedbird is the one on Patapsco
15 Avenue.

16 Q. Is that the same as Patapsco Flats or
17 not?

18 A. I don't know. It could be the one
19 that -- Robb Tyler's might have been named
20 Reedbird and the other is Patapsco Flats. It was
21 two of them together back to back over there on

1 Patapsco Avenue.

2 I don't know if Robb Tyler owned the
3 Reedbird Avenue one or the County owned the front
4 one or who owned who. All we done was went in
5 there and dumped.

6 Q. If I understand your role in Fritz's
7 business as you have described it, he was in
8 charge of the business and you merely drove
9 either a truck or a piece of heavy equipment?

10 A. Right. That is what I done for BFI. I
11 worked for BFI.

12 Q. Well, let me stick with Fritz's
13 business for a minute. At Fritz's business you
14 weren't involved in the management of the
15 business at all, were you?

16 A. No.

17 Q. You didn't make any of the agreements
18 that the business made, did you?

19 A. No. I was a truck driver.

20 Q. Is it fair to say that as between you
21 and Fritz, if we wanted information about what

1 agreements had been made and when and with whom,
2 if we could get the information out of something
3 Fritz had said, that would be more reliable than
4 what you could provide us?

5 A. Yes, because he was the owner.

6 Q. Did you know that Fritz had gotten sued
7 back in 1972 by the Penn Central for dumping on
8 their property?

9 A. No.

10 Q. You didn't know anything about that?

11 A. No. I didn't know nothing about it.

12 Q. Were you ever asked to provide any
13 information to attorneys representing Fritz for a
14 lawsuit back in the early '70s?

15 A. No. I never knowed he got sued. I
16 thought that was all Al Landay's ground.

17 Q. Did you ever know that Fritz had given
18 a sworn deposition just exactly like you are here
19 today in a lawsuit where he was asked to describe
20 all these activities?

21 A. No, I don't.

1 Q. You have never had a chance to look it
2 over?

3 A. No.

4 Q. You said that when you worked as a
5 heavy equipment operator or a truck driver for
6 Fritz, he paid you out of a checking account that
7 had his name on the checks?

8 A. Yes.

9 Q. Can you tell us, and I know this is a
10 real hard question this long ago, but it might
11 help us to find a lot of important information,
12 if you can. Can you tell us where he was banking
13 when he wrote you those checks?

14 A. No, I don't. I think it was Union
15 Trust, if I'm not mistaken. It could have been,
16 I don't know.

17 Q. Any idea what location?

18 A. No, I don't.

19 Q. You remember that the checks just
20 said --

21 A. It was a personal check that he wrote

1 us out.

2 Q. Do you know if his wife was on it?

3 A. I don't know. If I ain't mistaken, she
4 made the checks up.

5 Q. And that was Frances?

6 A. Frances.

7 Q. Did she sign them?

8 A. I don't know. You know, I never once
9 thought of that to look at it.

10 Q. In paying you as either a driver or an
11 equipment operator for Fritz's operation, they
12 took taxes out of your check, didn't they?

13 A. Taxes?

14 Q. Social Security, federal taxes?

15 A. I guess he did. I'm sure he did.

16 Q. You referred to the fact that you have
17 got a good long Social Security record. Were
18 they pulling Social Security out of your check
19 back then?

20 A. I guess they were, I don't know. I
21 never give a thought of looking at it.

1 Q. Do you personally know how Fritz or
2 Fritz's business was being paid by Robb Tyler
3 when you would be doing some carrying?

4 A. I don't know. I imagine he was hauling
5 on percentage is the way I think they hauled over
6 there.

7 Q. Do you have any knowledge of that?

8 A. No, I don't.

9 Q. Do you know if anyone other than Fritz
10 or his wife Frances then had anything to do with
11 keeping the books for this business?

12 A. No, I don't.

13 Q. Did you know that Fritz was actually
14 advertising in the Yellow Pages as a hauling
15 company?

16 A. No.

17 Q. Did you know that Fritz advertised in
18 the Yellow Pages that he would provide people
19 containers?

20 A. No, I didn't know that. Whose
21 container was he going to use, Robb Tyler's?

1 Q. I don't believe so. I don't believe
2 so.

3 Let's try and put some dates on some
4 things, if we can. Do I correctly understand
5 that when Mr. Landay came out and said no more
6 dumping on my property, that the dumping stopped
7 when he said it was to stop?

8 A. As best I can say to my knowledge,
9 yes.

10 Q. If your brother, back in 1972, was able
11 to actually put a date on that, would you have
12 any reason to say you could do better than he
13 could back then?

14 MS. MORRIS: Objection.

15 Q. Let me be real clear. When your
16 brother testified in this lawsuit where he was
17 sued by Penn Central, by the railroad, for
18 dumping on their property, he gave a deposition
19 just like you are giving and he was asked
20 questions and he actually produced some checks
21 and they were checks that he had paid Mr. Landay

1 for the rent on this property?

2 A. I don't know nothing about that.

3 Q. What I'm telling you is that Mr. Fritz
4 Sauer, your brother, testified that the last time
5 he wrote a rent check to Mr. Landay was July 17,
6 1969, and that after that check is when Mr.
7 Landay told him to get off the property and he
8 did.

9 My question is can you do any better
10 for us on the specific dates?

11 A. Could I do any better than that?

12 Q. Than your brother did?

13 A. No, I couldn't.

14 Q. Your brother also testified in that
15 case that the very first check he wrote to Mr.
16 Landay for rent on this piece of property was on
17 January 4, 1965 for \$400 for a month's rent?

18 A. I don't know.

19 Q. Do you have any knowledge that there
20 was any transaction between your brother and
21 Landay before January 4, 1965?

1 A. I don't know.

2 Q. Would you think that he would have had
3 more information about that in 1972 than you have
4 today?

5 A. He might have, I don't know.

6 Q. He was the person that dealt with
7 Landay, wasn't he?

8 A. Yes.

9 Q. You didn't have any dealings with
10 Landay on renting the property, did you?

11 A. No.

12 Q. Let me skip to a point and just ask
13 you, you did haul some waste from construction
14 sites, didn't you?

15 A. For who?

16 Q. Anybody. There was waste you hauled
17 from time to time from construction sites?

18 A. For Robb Tyler or for Fritz?

19 Q. Well, let's go back to when you worked
20 for Fritz. Did you haul for some construction
21 sites back then?

1 A. I could say some clean-up jobs, but
2 they was cash jobs. They wasn't what you would
3 call a contract or nothing like that.

4 Q. And when you say a cash job, can you
5 tell us what you mean by that?

6 A. Say you would call up and say you want
7 somebody to pick up some trash at your house and
8 I would come out there and pick it up and charge
9 you, say, \$25. That is what you would call petty
10 stuff but not contract stuff.

11 Q. What about this instance with the riots
12 that you talked about. Do you know who it was
13 that hired Fritz and the company to dispose of
14 some waste from the riots and the demolition from
15 that?

16 A. No, I don't. I know they hauled it in
17 there in dump trucks but I don't know who it it
18 was.

19 Q. You don't know whose trucks they were?

20 A. No, whatever they cleaned up in the
21 city or whatever demolition or whatever they tore

1 up or tore down, they were hauled in dump trucks,
2 but I don't know where it was hauled or who got
3 paid for it or what.

4 Q. But that was hauled to Fritz's dump?

5 A. It was hauled to Fritz's dump.

6 Q. You don't know whether or not the City
7 was involved in arranging for disposal of that?

8 A. I don't know.

9 Q. Was there also some fairly substantial
10 volume of waste from urban renewal projects that
11 went to this dump?

12 A. I don't know.

13 Q. You don't know that?

14 A. No.

15 Q. One of the things your brother
16 testified back in 1972 wasn't followed up on.
17 Let me see if you can help us. He was asked this
18 question --

19 MR. MASUR: Objection.

20 Q. The lawyer asked him do you work for
21 the City. And the answer was no. And the lawyer

1 asked him have you ever done work for the City,
2 and the answer is one time I did, but there isn't
3 any follow-up. Do you know what that job is?

4 A. No, I don't.

5 MR. MASUR: Objection, because there is
6 no indication in there whether or not the witness
7 was referring to having previously been employed
8 by the City or having worked in some other
9 capacity. There is no indication that he was
10 talking about having worked for them after he had
11 entered into the waste disposal or hauling
12 business.

13 Q. Let me ask you about that. You have
14 known your brother for a long time or you had
15 known your brother a long time, hadn't you? Who
16 is older, you or your brother?

17 A. My brother is older.

18 Q. How many years older?

19 A. Probably two or four years older than I
20 am.

21 Q. But you grew up together?

1 A. Yes.

2 Q. I assume you stayed in touch with each
3 other up until the time you went to work for him,
4 didn't you, as members of the family?

5 A. Certain amount time, yes.

6 Q. You would know who he was working for
7 from time to time on his job?

8 A. No, I wouldn't know who Fritz was
9 working for.

10 Q. You wouldn't know that?

11 A. No, I wouldn't, because he was into
12 everything. He was into a lot of stuff.

13 Q. Did you and your brother at some point
14 in time have a real serious falling out, a
15 problem with each other?

16 A. No, we didn't have a falling out. I
17 had that mentioned to me before and the one that
18 started that rumor, I would like to know who
19 started it, because we had never had a falling
20 out.

21 Q. As far as you are concerned, you and

1 your brother remained just as close right up
2 until the time of his death?

3 A. He was close. When I decide to do what
4 I want to do, I do it. I don't need nobody else
5 to tell me what I want to do, brother or no
6 brother.

7 Q. I understand what you are talking
8 about.

9 You mentioned something that I need to
10 follow up on about Pennsylvania Railroad. The
11 question was asked of you did anybody else have a
12 dozer out at the Sauer's dump, and you said when
13 the Pennsylvania Railroad put in a new spur that
14 they had dozers in there to clean the woods. Do
15 you know what I'm talking about?

16 A. Yes.

17 Q. Can you tell me, do you have any idea
18 when that occurred?

19 A. No, I don't.

20 Q. One of the questions that we are trying
21 to figure out, everybody has all these pictures

1 that were taken out of airplanes and I'm trying
2 to figure out who did some clearing of the land,
3 who knocked down the trees that were on the land
4 at various times. Is it correct that the
5 railroad at some point in time knocked down some
6 trees to clear some land for a railroad spur?

7 A. I don't know, but I know they put in a
8 new spur back in there and they went up through
9 there with a railroad rail. Now, where it went
10 to or how they put it in or who done it or what,
11 I don't know.

12 I don't know if they widened the
13 railroad, the hump yard, they widened it or if
14 they put a new spur in or what they did, but they
15 did do some work over there. Now, I don't know.
16 Maybe that was Pennsylvania Railroad that done
17 it.

18 Q. Isn't it true, Mr. Sauer, that you
19 would get route sheets from Anita?

20 A. Who?

21 Q. Anita, your sister.

1 A. No.

2 Q. Haven't you told people that you
3 obtained route sheets from Anita?

4 A. Did I what?

5 Q. Didn't you tell people that you
6 obtained route sheets from your sister Anita?

7 A. No, I didn't.

8 Q. Do you deny that?

9 A. Yes, I deny that. I picked my work up
10 at Robb Tyler's.

11 Q. And I understand that you deny that
12 Fritz's dump ever took drummed liquids, is that
13 right?

14 A. To the best of my knowledge, I don't
15 recall seeing any drums or anything brought in
16 there, not in the loads that I hauled. Now, what
17 other people have hauled, I don't know what was
18 in the loads. I can only go by what I hauled.

19 Now, if other trucks brought containers
20 in there that had barrels and stuff in them, I
21 didn't haul them.

1 Q. Has anyone that you have spoken to
2 about this case ever suggested that you
3 personally could have any responsibility for the
4 cost of the clean-up at this site?

5 A. No, I didn't.

6 Q. Is it true, sir, that North Point Trash
7 Removal, Fritz's company, was a partnership
8 between you and him?

9 A. No, it wasn't a partnership.

10 Q. Let me read you just a little bit out
11 of your brother's deposition. It's actually the
12 first page of the questioning in the deposition.
13 I'm going to read you starting right at the
14 beginning that he gave on September 13, 1972 in
15 his lawsuit by the railroad against him and Mr.
16 and Mrs. Azrael and Mr. and Mrs. Landay.

17 "State your name and address.

18 "Frederick Sauer, 4235 Lynhurst Road.

19 "And your employment?

20 "Answer: Self-employed.

21 "Question: By whom?

1 "Answer: By myself.

2 "Question: Under what name?

3 "Answer: Well, I go under North Point
4 Trash Removal.

5 "Question: North Point Trash Removal
6 Company?

7 "Answer: Just North Point Trash
8 Removal.

9 "Question: Is this a sole
10 proprietorship or a corporation?

11 "Answer: It's no corporation.

12 "Question: It's just you?

13 "Answer: Yes.

14 "Question: Is there anybody else in
15 business with you?

16 "Answer: Oh, my brother Lou is.

17 "Question: Is he a partner?

18 "Answer: He is a partner.

19 "Question: Then it is a partnership.

20 "Answer: Yes."

21 Is that testimony true?

1 A. Not to the best of my knowledge. I
2 just found out about this partnership stuff when
3 he passed away.

4 Q. How did you find out?

5 A. It was on his income taxes that I was a
6 partner.

7 Q. Did you look through some records?

8 A. I had no records.

9 Q. How did you find out how you were on
10 his income taxes?

11 A. My niece got the income tax papers that
12 came in.

13 Q. Who is your niece?

14 A. Frances Sauer.

15 Q. What income tax papers had she gotten?

16 A. She must have got his income tax that
17 came in.

18 Q. You mean a refund?

19 A. No, some sort of papers that came from
20 the income tax people.

21 Q. Was it papers saying he owed more

1 money?

2 A. I don't know what it was, but anyhow,
3 it is stated on there that I was a silent
4 partner, that I have never known I was and didn't
5 know about it until he passed away.

6 Q. Were these papers that came from the
7 Internal Revenue Service?

8 A. I imagine it did.

9 Q. How long ago was it from today that you
10 found out about this?

11 A. The day that he passed away.

12 Q. Did Frances Sauer bring it to your
13 attention?

14 A. Yes.

15 Q. Where does she live today?

16 A. She lives down across Lynhurst Road.

17 Q. Across from his home?

18 A. Yes.

19 Q. Down there in that little cul-de-sac
20 down by the Back River?

21 A. I guess so.

1 Q. Do you know what her street number is
2 on Lynhurst?

3 A. No, I don't know her street number
4 offhand.

5 Q. Is she married?

6 A. I don't know. I don't think so.

7 Q. Do you know whose name the phone would
8 be under, Frances or someone else?

9 A. I imagine it would be under Frances.

10 Q. Do you know her phone number?

11 A. No, I don't.

12 Q. She is your niece?

13 A. Yes.

14 Q. Does that make her Fred's daughter?

15 A. That's Fred's daughter, yes.

16 Q. How old is she?

17 A. I imagine she is about 40 years old.

18 Q. Did you do anything to follow up when
19 Frances Sauer told you you were shown as a silent
20 partner on Fritz's tax returns?

21 A. No, because I never knowed I was a

1 partner so what was I supposed to worry about.

2 Q. Have you had any other contacts about
3 it since then?

4 A. No.

5 Q. Did you ever ask for a copy of it or to
6 look at it to see what it said?

7 A. No.

8 Q. Are you saying you never gave your
9 brother, Fritz, your permission to list you as a
10 partner in that business?

11 A. No, I didn't.

12 Q. Did you ever receive any of the income
13 from that business other than your wages?

14 A. No, I didn't. I get a paycheck.
15 Whatever he put me on there for, I don't know.

16 Q. Mr. Sauer, do you presently drive a
17 truck?

18 A. Yes.

19 Q. Is that for Arundel Corporation?

20 A. Arundel Corporation.

21 Q. How long have you been with Arundel?

1 A. Probably about 12 or 13 years.

2 Q. Did you go directly from Robb Tyler or
3 BFI to Arundel?

4 A. Directly from BFI to Arundel. No, I
5 worked a couple of other small places until I got
6 a job down Arundel.

7 Q. Do you have any idea how long it was
8 between when you left BFI and when you joined
9 Arundel?

10 A. Give or take about three or four
11 months.

12 Q. A short period of time?

13 A. Yes.

14 Q. Were those driving jobs also?

15 A. Yes.

16 Q. Are you presently DOT qualified?

17 A. Yes, I am.

18 Q. Were you DOT qualified when you joined
19 Robb Tyler?

20 A. No, we didn't have to have it then.

21 Q. Are you presently a Teamster?

1 A. Yes, I am.

2 Q. Active?

3 A. Yes, I am.

4 Q. Still in Local 331?

5 A. 311.

6 Q. 311. I'm sorry. Still in the same
7 local you were in when you were at Robb Tyler?

8 A. Right.

9 Q. Were you a union member when you worked
10 for Fritz?

11 A. No.

12 Q. So you joined the union after you
13 joined Robb Tyler?

14 A. After I joined Robb Tyler I joined the
15 union.

16 Q. Was there a period of time that you
17 were required to wait before you joined the
18 union?

19 A. Thirty days.

20 Q. But actually for you it was longer
21 because you were an equipment operator first for

1 a while and then you joined the union, is that
2 right?

3 A. No, I worked for Robb Tyler not being
4 union for two years. Then they forced me to go
5 in the union.

6 Q. Was it not a union shop for the first
7 two years?

8 A. It was a union shop but I worked where
9 I didn't have to go in the union. I worked on
10 the landfill.

11 Q. And it was because you weren't a driver
12 that you didn't have to join the union until
13 later?

14 A. Right. Once I went driving, then I had
15 to join the union.

16 Q. At the time that you joined the union
17 while you were working for Robb Tyler, though,
18 you did get a DOT physical and qualified?

19 A. No, I didn't get one when I worked for
20 Robb Tyler. It just came in effect at DOT within
21 the last six months or a year.

1 Q. I'm not trying to trip you up, but let
2 me see if I can help, though.

3 A. I know. I just finished my doubles and
4 triples. I'm going down to take hazardous and
5 then I get my CDL's.

6 Q. What is a CDL?

7 A. Commercial driving license.

8 Q. Is that a state license?

9 A. That is a federal license. It comes
10 under federal guidelines now. It don't come
11 under state no more.

12 Q. Under DOT?

13 A. Yes.

14 Q. Was there some event that led to your
15 leaving BFI, Mr. Sauer?

16 A. What was it?

17 Q. Was there something that happened that
18 caused you to leave BFI?

19 A. Yes, he broke the union. That is what
20 made me leave. You want somebody to work for
21 nothing.

1 Q. You and the other members who were
2 employed by the local employed by Robb Tyler went
3 on strike and were replaced by other persons?

4 A. Right. You brought strike breakers in
5 here and broke the union and we left and then you
6 offered me a job back nonunion.

7 Q. Lower wages?

8 A. Lower wages, yes.

9 Q. Did it make you mad?

10 A. Did it make me mad? That is why I went
11 with Arundel.

12 Q. Did it make you angry?

13 A. No, it didn't make me that angry
14 because I knowed it was going to happen.

15 Q. Is it fair to say you weren't pleased
16 about it?

17 A. Well, I was and I wasn't. I got a
18 better job. I don't have to full with garbage no
19 more.

20 Q. Do you remember when that took place
21 that the strike occurred?

1 A. I don't know if that was '69, '70, '71
2 or something like that. One of the two it took
3 place.

4 Q. That is the time frame that sounds
5 right to you?

6 A. What?

7 Q. '69, '70 or '71?

8 A. When they broke the union?

9 Q. Yes, sir.

10 A. Somewhere around in there.

11 (Discussion off the record.)

12 MS. CASANO: The consensus of the group
13 is that we are going to adjourn Mr. Sauer's
14 deposition for the day and resume on Wednesday,
15 October 16th, at 9:30 a.m.

16 (Deposition suspended at 5:15 p.m.)

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19

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21

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